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56-1567
3-2
 L.A. County Grand Jury
 Transcript re: L.A. County Clerk Office

pg 242-476

Department of Justice

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Class / Case #	Sub	Vol.	Serial #	
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6/5/1968

**PRESERVE FOR SELECT
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 INVESTIGATION**

Bureau File Number **62-587**

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**DO NOT DESTROY
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See also Nos.

210 277S
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**DO NOT DESTROY
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C.O. Richards 6/3/86

Refer to 6

1 THE GRAND JURY OF THE COUNTY OF LOS ANGELES
2 STATE OF CALIFORNIA

3 * * * * *

4
5 THE PEOPLE OF THE STATE OF CALIFORNIA,
6 Plaintiff,

7 vs.

8 SIRHAN BISHARA SIRHAN,

9 Defendant.

No. A-233,421

SEP 7 1971

10
11 REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS

12 AUGUST 17, 1971

13 (P.M. ONLY)

14 AUGUST 18, 1971

15 VOLUME 2 of 3 VOLUMES

16 Pages: 242 - 476, incl.

17 APPEARANCES:

18
19 (See Volume 1.)
20
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56-1562 - 1

LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 17, 1971

1:20 P. M.

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4 THE FOREMAN: Let the record show that the Grand Jury
5 has reassembled and that all 21 Grand Jurors who were present
6 at the inception of this case are present for further pro-
7 ceedings.

8 MR. HECHT: Mr. Gingold, please. Howard Gingold.

9 THE SERGEANT AT ARMS: He is not here yet.

10 MR. HECHT: Mr. Talmachoff, then, please.

11 (Thereupon, the witness, Peter John Talmachoff, was
12 then escorted into the Grand Jury Hearing Room by the
13 Sergeant At Arms.)
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17 PETER JOHN TALMACHOFF,

18 recalled as a witness before the Grand Jury, was previously
19 duly sworn, was examined and testified further as follows:
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22 EXAMINATION (CONTINUED)

23 BY MR. HECHT:

24 Q Mr. Talmachoff, I interviewed Kenneth Buckley in
25 my office on Wednesday, June 9, 1971, and during the course
26 of the conversation -- and I'm now referring to a transcript
27 I had made of that conversation -- I asked the following
28 question -- I'm referring to Page 12, Line 17 to 26.

1 "QUESTION:" -- this is by me to Mr. Buckley --
2 "When did it first come to your attention that
3 besides counsel of record, that Mr. Harper had access
4 to these exhibits?

5 "ANSWER: When I first checked the guide
6 envelope on that wondering why these people -- in
7 fact, I believe I spoke to Mr. Talmachoff and asked
8 him why they had seen it.

9 "QUESTION: Okay, what did he say?

10 "ANSWER: They were not supposed to -- they
11 should not have seen them."

12 Was there such a conversation?

13 A Does he indicate at what point the conversation
14 may have taken place?

15 Q Yes, going on Page 13:

16 "When did that conversation with Mr. Talmachoff
17 take place?

18 "ANSWER: I believe that, again, would be in
19 March or April of 1970."

20 A I cannot recall. I just cannot recall.

21 Q Do you deny it is possible that such a conversa-
22 tion took place?

23 A I cannot deny it, but I just cannot recall having
24 said that.

25 Q On a number of occasions, Mr. Talmachoff, you
26 were aware that Mr. Harper was coming into the clerk's office
27 on the 4th Floor, where your division was located, and bringing
28 with him a great deal of scientific equipment; were you not?

1 A Scientific equipment?

2 Q Yes.

3 A Yes, sir.

4 Q Were you aware at that time he was looking at

5 the original evidence, specifically some of the original

6 ballistics evidence in the Sirhan case?

7 A No, sir.

8 Q What impression were you under?

9 A I thought he was looking at the exhibits in the

10 Kirschke case.

11 Q You were asked to bring the Kirschke case enve-

12 lope?

13 A Yes, sir.

14 Q Did you bring it?

15 A Yes, sir.

16 Q Would you take it out, please?

17 A Yes, sir.

18 Q Can you remove from the guide envelope the

19 exhibit viewing slips that are in that envelope?

20 A (The witness complies with counsel's request.)

21 Q How many do you find?

22 A Five.

23 Q May I see them, please?

24 A Yes.

25 Q This one here is made by one Willard B. Allen,

26 if I read that accurately?

27 A Yes.

28 Q What does he appear to be?

1 A Special Agent for the CIA.

2 Q And one here appears to be made out to three
3 people; Bruce A. Geowey, Charlene Geowey and Philip O.
4 Robertson.

5 A Yes.

6 Q And another one for Bruce and Charlene Geowey?

7 A Yes.

8 Q And another one for Bruce Geowey and a fourth and
9 last one for Charlene Geowey?

10 A Yes.

11 Q In the interview you had with me and it will take
12 me just one moment to locate the precise page, referring to
13 Philip Robertson -- you recall that was the third name on one
14 of those slips, Philip O. Robertson?

15 A Yes.

16 Q Now, I'm referring to Page 20 of the interview I
17 had with you on Thursday, June 10, 1971.

18 My question to you:

19 "Now, we received a number of statements, we took
20 a number of statements from your people, who indicated
21 in substance on occasion a good deal of equipment was
22 brought into the Clerk's Office, equipment being
23 microscopes, comparison microscopes, cameras, and
24 things of that nature, and one or more people were
25 engaged in the Sirhan case -- they could not have
26 gone unnoticed.

27 "Did you have occasion to see any such equipment?

28 "ANSWER: I have seen people coming in with

1 equipment as you describe, but I wasn't aware
2 that they were looking at exhibits in the Sirhan
3 case. I was under the impression that they were
4 looking at exhibits in the Kirschke case.

5 "QUESTION: Can you tell me what led you to
6 that conclusion?

7 "ANSWER: Because I think the same people had
8 initially started looking at the exhibits in the
9 Kirschke case -- this goes back in time -- and they,
10 I believe, looked at the exhibits in the Kirschke
11 case a number of times.

12 "I was under the impression this was a similar
13 continuation of the same examination process..."

14 Q Which of the people you have named from these
15 exhibit viewing slips were, in your opinion, associated with
16 any of the scientific equipment that had been brought in?

17 A None of these people, as far as I know.

18 Q Can you tell me where these exhibit viewing slips
19 are for the people using scientific equipment on the Kirschke
20 case?

21 A I do not know.

22 Q In the conversation you had with the polygraph
23 examiner on July 22, 1971, and I'm pointing now to Page 1:

24 "From that point on apparently Harper was given
25 access because we had the letter from the attorney's
26 office and they should have signed that -- but I wasn't
27 aware that Harper was looking at the Sirhan exhibits,
28 until just about a month or so ago.

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1 "I was under the impression he was looking
2 at the Kirschke stuff. He has been looking at the
3 Kirschke stuff for some time back and -- that --

4 "QUESTION: Where was he looking at it?

5 "ANSWER: He was looking at it in the Assistant
6 Division Chief's Office. He wasn't just out there
7 in the public area looking at the stuff.

8 "QUESTION: Was that your statement you made
9 to me?

10 "ANSWER: Yes."

11 I'll go on.

12 "He was looking at it in Mr. Sour's
13 office.

14 "No, that was before Sours. I think it
15 goes back to before Sours was in that office, be-
16 cause that was the Kirschke case and that's a
17 pretty old case now.

18 "QUESTION: Well, what about in Mr. Sour's
19 office, did he look at the Sirhan stuff?

20 "ANSWER: I don't know.

21 "You see, my only information --
22 initially he may have looked at the Sirhan
23 exhibits on the table just outside the window
24 we have there. But thereafter he looked at
25 them at the table that we have adjacent to
26 what we call the intake area right where we
27 have the exhibits -- the guys have a little better
28 direct line shot and view of what is going on back there."

Have I quoted you accurately?

A Yes, sir.

Q Is it your position, Mr. Talmachoff, that Mr. Harper on a number of occasions came into your office downstairs in your division with a certain amount of scientific equipment, whatever that equipment might be, and on a number of those occasions looked at the ballistics evidence in the Kirschke case without having filled out an exhibit review slip?

A I have no knowledge that he did that without having completed his slip.

Q Can you tell me where are the exhibits review slips?

A I cannot tell you, sir, because I do not know.

Q In the conversation I had with one of the former employees of your office, Gary Hairston, he indicated to me he had served Mr. Harper on the Kirschke case and he assured me that slips had been made out.

I subpoenaed you to bring today all of the exhibit reviewing slips in the Kirschke case, have I not?

A Yes.

Q Did you make an effort to have your people make an effort to find those slips?

A Yes.

Q And you were unable to find those slips in that case?

A That's correct.

Q Is it possible in connection with the Sirhan case

1 the same situation exists that there are exhibit viewing slips
2 that your office has not found?

3 A It is possible.

4 Q Can you assure this Grand Jury that situation does
5 not exist with respect to the Sirhan case?

6 A I cannot make such an assurance.

7 Can I make a comment, sir?

8 Q Please do.

9 A In this case, the Sirhan case, in that envelope,
10 again we have a large number of guide envelopes and we changed
11 from the old form to the new form and my impression is that
12 Ken Buckley is the one who made the change and we felt that
13 perhaps in making the change he may have discovered the old
14 slips. In asking him, however, he felt that all of the slips
15 he had in the old guide envelopes were transferred into this
16 particular guide envelope.

17 Q Is it possible, Mr. Talmachoff, that some effort
18 has been made to deliberately remove certain documents from
19 your office in connection with either the Kirschke case or the
20 Sirhan case?

21 A I suppose anything is possible but I would not
22 say that has, in fact, occurred.

23 Q I asked you to bring all correspondence but not
24 limited to that, all correspondence, letters, memoranda and
25 so forth by the county clerk to any personnel or members of the
26 county clerk's office pertaining to the Sirhan case.

27 A We have no correspondence.

28 Q I asked you to bring all correspondence but not

1 limited to that, all correspondence and directives sent by
2 Mr. Talmachoff, Mr. Sours, Mr. Buckley and Mr. Walker to any
3 member of the Clerk's Office relating to the handling of
4 exhibits in the Sirhan case.

5 Do you have any of those?

6 A No, sir.

7 Q I asked you to bring any communications written
8 by any member of the clerk's office, whether addressed
9 individually to members of the clerk's office or collectively
10 to certain members of the clerk's office as a group, related
11 to the handling of the exhibits in the Sirhan case.

12 Are there any such communications?

13 A No, sir.

14 Q Did you bring a letter or a copy of a letter
15 contained in your file sent by Attorney George Shibley dated
16 August 12, 1970?

17 A Do you want the original?

18 Q Yes; if you have it.

19 A I have the original; I believe I gave you a copy
20 yesterday.

21 Q This is Exhibit Number 43?

22 A Yes.

23 Q All right; I've asked you to bring a copy of the
24 court order allegedly kept by the door of the vault and
25 allegedly pertaining to the Sirhan case.

26 A I do not have the original.

27 Q I asked you to bring that, Mr. Talmachoff, as
28 one or more of your employees told me that such a document

1 existed.

2 Did you bring it?

3 A If you're speaking of that specific document,
4 no, sir; we do have one but whether it was there at the time
5 I don't know.

6 Q Is the one that you have the original?

7 A No, sir.

8 Q What is there now?

9 A The order of Judge Walker dated May 20, 1969.

10 Q When was that put on there?

11 A Well, this last one I cannot say for sure but it
12 would be within the past month.

13 I really cannot say.

14 Q Who put it there?

15 A I cannot say that, either.

16 Q Have you asked who put it up?

17 A No, sir.

18 Q Would you do me the personal favor of inquiring
19 when you get back to your office?

20 A Yes, sir, certainly, sir.

21 MR. HECHE: I have no further questions of this
22 witness.

23 THE FOREMAN: Any other questions of this witness by
24 any member of the Grand Jury? If so, please write them out
25 and they will be directed to the witness through the Deputy
26 District Attorney.

27 Apparently not.

28 MR. TALMACHOFF: May I say something?

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THE FOREMAN: Do you desire to make a statement, sir?

MR. TALMACHOFF: Yes.

THE FOREMAN: Please go ahead.

MR. TALMACHOFF: In relation to the order on the wall from my standpoint the most effective place for an order is in the guide envelope and not on the wall, although we do have special notices on the wall.

But employees, in getting the guide envelope, they are supposed to look into the guide envelope to see what order it contains and that is the most significant order.

The order on the board is a duplication but that is put there in the hope it will catch the eye.

THE FOREMAN: Thank you very much.

I don't believe there's any necessity to give you the admonition as to the secrecy of these proceedings before the Grand Jury.

(Thereupon, the witness, Peter John Talmachoff, was then escorted from the Grand Jury Hearing Room by the Sergeant At Arms.)

MR. HECHT: Mr. Gingold.

(Thereupon, the witness, Howard Gingold, was then escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

HOWARD GINGOLD,
called as a witness before the Grand Jury, was duly sworn as follows:

1 THE FOREMAN: You do solemnly swear that the evidence
2 you shall give in this matter now pending before the Grand
3 Jury of the County of Los Angeles shall be the truth, the
4 whole truth, and nothing but the truth, so help you God?

5 THE WITNESS: I do.
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7

8 EXAMINATION

9 BY MR. HECHT:

10 Q Mr. Gingold, what is your business or occupation?

11 A I'm a news reporter for KNXT, Channel 2.

12 Q How long have you been so employed?

13 A Seven years.

14 Q Recently, did you have occasion to go to the
15 clerk's office in an effort to look at some of the business
16 records, the official records, in connection with the Sirhan
17 case?

18 A Yes, I did.

19 Q Can you recall the date that you went there?

20 A Well, I was there on several occasions and it
21 was the first time on or about July 11th or 12th, somewhere
22 in that neighborhood -- I'm not sure of the date.

23 Q What was your purpose in doing that?

24 A My purpose was to examine the clerk's exhibit
25 review forms to try to determine who had been given access to
26 the exhibits in the Sirhan trial.

27 Q Were you successful in obtaining access to the
28 exhibit review forms during your first visit you made there?

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A No, sir.

Q Why not?

A I was informed that Judge Hayden had issued an order, I believe it was a verbal order, restricting access to those files.

Q And what, if anything, did you do, upon being informed of that?

A Well, it was my impression that the clerk's records were a matter of public record and I contacted the Clerk of the California Supreme Court because it was my understanding that Judge Hayden's order was issued in response to a request from the California Supreme Court.

So I contacted the Clerk of the Supreme Court in an attempt to obtain a clarification of that order.

Q Did you obtain a clarification that you felt was desirable?

A Yes, sir.

Q Did that clarification permit you to go back to the clerk's office and see the exhibit review slips in the Sirhan case?

A Yes, sir.

Q I recall you brought some cameras and photographed the event?

A Yes, sir.

Q While you were there, did you have occasion to inquire about the exhibit review forms in the Kirschke case?

A Yes, I did.

Q What prompted you to inquire into that case?

1 I remarked so to the clerk's office employee who
2 was helping me go over the record and I asked him if he
3 thought it was odd that only one person had expressed an
4 interest in the Kirschke evidence.

5 He said, "Yes, I do", or words to that effect.

6 Q Were there any further efforts made to find any
7 further exhibit review forms in the Kirschke case at that time?

8 A Not that I know of.

9 I was assured the packet I was given represented
10 the record in its entirety.

11 MR. HECHT: I have nothing further.

12 THE FOREMAN: Any questions to be directed to this
13 witness by any member of the Grand Jury? If so, please write
14 them out and they will be directed to the witness through the
15 Deputy District Attorney.

16 BY MR. HECHT:

17 Q Could you tell us, Mr. Gingold, a member of the
18 Grand Jury has inquired, what was the date of the visit that
19 you just referred to?

20 Do you recall that?

21 A I believe that must have been on the 14th.

22 As I recall, our television show was on Thursday
23 and that's the 16th and I believe I inspected the clerk's
24 records on the 14th.

25 THE FOREMAN: Which month?

26 THE WITNESS: July 14th.

27 THE FOREMAN: Of this year?

28 THE WITNESS: Yes.

1 MR. HECHT: That is all.

2 I have nothing further.

3 THE FOREMAN: Any further questions?

4 Apparently not.

5 I'd like to caution you not to discuss or impart
6 at any time, outside of this jury room, the questions that
7 were asked of you in regard to this matter, or your answers,
8 until authorized by this Grand Jury or the Court to discuss
9 or impart such matters.

10 You will understand that a violation of these
11 instructions on your part may be the basis for a charge
12 against you of contempt of court.

13 Do you understand that?

14 THE WITNESS: I do.

15 (Thereupon, the witness, Howard Gingold, was then
16 escorted from the Grand Jury Hearing Room by the Sergeant
17 At Arms.)

18 MR. HECHT: Mrs. Hassett.

19 (Thereupon, the witness, Marilyn M. Hassett, was then
20 escorted into the Grand Jury Hearing Room by the Sergeant
21 At Arms.)

22
23
24 MARILYN M. HASSETT,
25 called as a witness before the Grand Jury, was duly sworn as
26 follows:

27 THE FOREMAN: You do solemnly swear that the evidence
28 you shall give in this matter now pending before the Grand Jury

1 of the County of Los Angeles shall be the truth, the whole
2 truth, and nothing but the truth, so help you God?

3 THE WITNESS: I do.

4
5
6 EXAMINATION

7 BY MR. HECHT:

8 Q Mrs. Hassett, what is your business or
9 occupation?

10 A I'm Chief Clerk of the District Attorney's
11 office.

12 Q That is the same office I work for; is that
13 correct?

14 A Yes, sir.

15 Q And prior to the time that you became an
16 employee of the District Attorney's office, had you worked
17 in the clerk's office?

18 A Yes, I had.

19 Q What was your capacity in the clerk's office?

20 A I was a Senior Clerk.

21 Q In what building did you work?

22 A In the courthouse.

23 Q That is the main courthouse?

24 A Yes.

25 Q While you were working in the clerk's office, did
26 you become acquainted with Mr. Peter J. Talmachoff?

27 A No, sir.

28 Q When you came into the District Attorney's office,

1 did you then become acquainted with Mr. Peter J. Talmachoff?

2 A Yes, I did.

3 Q Directing your attention to the month of July,
4 1970, up until that particular month, had your business
5 relationship grown to the point where you would see him
6 rather frequently?

7 A Yes, sir.

8 Q During the month of July 1970 did you attend one
9 or more meetings where Mr. Talmachoff was also present?

10 A Yes, sir.

11 Q Where were those meetings held?

12 A Either in my office or his.

13 Q During the course of one of those conversations
14 during the month of July 1970 did Mr. Talmachoff ever make
15 any comments regarding his exhibit section?

16 A Yes; he did tell me about it.

17 Q What was said, please?

18 A That things were in such a mess that Mr. Sharp
19 didn't seem to understand he needed to hire a better caliber
20 of personnel in order to keep his exhibits straightened out.

21 Q Did you ever have a conversation with
22 Mr. Talmachoff wherein he made a reference to something
23 terrible happening or may happen?

24 A Yes.

25 Q How many such conversations did you have with
26 him?

27 A Three or four over the year.

28 Q Can you tell us the substance of these

1 conversations?

2 A Just some day that something bad was going to
3 happen and it would draw attention to the problem.

4 MR. HECHT: I have nothing further.

5 THE FOREMAN: Any questions to be directed to this
6 witness by any member of the Grand Jury? If so, please
7 write them out and they will be directed to the witness
8 through the Deputy District Attorney.

9 Apparently not.

10 I'd like to caution you not to discuss or
11 impart at any time, outside of this jury room, the questions
12 that were asked of you in regard to this matter, or your
13 answers, until authorized by this Grand Jury or the Court to
14 discuss or impart such matters.

15 You will understand that a violation of these
16 instructions on your part may be the basis for a charge
17 against you of contempt of court.

18 Do you understand that?

19 THE WITNESS: I do.

20 (Thereupon, the witness, Marilyn M. Hassett, was then
21 escorted from the Grand Jury Hearing Room by the Sergeant At
22 Arms.)

23 THE FOREMAN: We'll take a 10-minute recess.

24 (Short recess.)

25 THE FOREMAN: Let the record show the Grand Jury has
26 reassembled and the court reporter is present.

27 You may proceed, Mr. Hecht.

28 MR. HECHT: Mr. Collins.

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1 (Thereupon, the witness, Charles E. Collins, was then
2 escorted into the Grand Jury Hearing Room by the Sergeant At
3 Arms.)

4
5
6 CHARLES E. COLLINS,
7 called as a witness before the Grand Jury, was duly sworn as
8 follows:

9 THE FOREMAN: You do solemnly swear the evidence you
10 may give in the cause now pending before this Grand Jury of
11 the County of Los Angeles shall be the truth, the whole truth,
12 and nothing but the truth, so help you God?

13 THE WITNESS: I do.

14
15
16 EXAMINATION

17 BY MR. HECHT:

18 Q Mr. Collins, what is your business or occupa-
19 tion?

20 A Police Officer for the City of Los Angeles.

21 Q How long have you been so employed?

22 A Twenty-two years.

23 Q Are you one of the investigating officers in the
24 case of Sirhan Bishara Sirhan?

25 A Yes, I was.

26 Q Did you know a Deputy District Attorney, but now
27 a Superior Court Judge, by the name of David Fitts?

28 A Yes, I do.

1 Q I direct your attention to one of the exhibit
2 viewing forms, Grand Jury Exhibit Number 31, which has a
3 date on it, 1-31, but no year.

4 Do you recall going with Deputy District Attorney
5 Fitts to the 4th Floor of the Clerk's Office in this building
6 to look at any exhibits in the Sirhan case?

7 A Yes, I do.

8 Q Do you recall that particular visit,
9 Sergeant Collins?

10 A Yes, I do.

11 Q Do you recall whether or not you were shown any
12 exhibits?

13 A I don't recall.

14 Q I invite your attention to Grand Jury Exhibit
15 Number 37, dated June 17, 1971; is that your handwriting?

16 A Yes, it is.

17 Q Did you, in fact, on June 17, 1971, go to the
18 Clerk's Office once again?

19 A Yes, I did.

20 Q Why did you go there?

21 A I have been called back downtown to make an
22 investigation regarding the Sirhan case and to check and to
23 see what evidence had been checked out in the Clerk's Office
24 and I reviewed the slips.

25 Q You mean the exhibit review slips?

26 A Yes, they were all included in one group and I
27 didn't see one with my name on it.

28 Q Well, I take it that you filled out an exhibit

1 review form to look at any other exhibit review form slips they
2 may have had there?

3 A Yes.

4 Q Are you telling me that the first exhibit review
5 form I showed you, Grand Jury Exhibit Number 31, made out by
6 Mr. Fitts was not displayed to you on June 17th?

7 A No, that one was there, but I made out one on
8 that date. I didn't realize that this one was in the file but
9 I made out one myself.

10 Q You found the slip made out by Deputy District
11 Attorney now Judge David Fitts?

12 A Yes.

13 David Fitts' slip was there, but I made one out
14 and they refused to show us the evidence when we were there.

15 Q Pardon me; you're saying on this January 31st
16 date, after Deputy District Attorney Fitts made out his slip,
17 they refused to show you the evidence?

18 A Yes, and we had to get Alice Nishikawa, who was
19 then the Court Clerk in Judge Walker's Court, and Mr. Fitts
20 told them that he was the Deputy District Attorney trying this
21 case and they said, "Sorry, we can't show you the evidence.
22 There is a court order on it."

23 Then he had to go back upstairs and get Alice to
24 get us the exhibits, whatever they were.

25 Q Do you remember which exhibits they were?

26 A I have forgotten what we wanted to look at.

27 MR. HECHT: I have nothing further.

28 THE FOREMAN: Any questions to be directed to this

1 witness by any member of the Grand Jury? If so, please write
2 them out and they will be directed to the witness through the
3 Deputy District Attorney.

4 Apparently not.

5 I'd like to caution you not to discuss or impart
6 at any time, outside of this jury room, the questions that
7 were asked of you in regard to this matter, or your answers,
8 until authorized by this Grand Jury or the Court to discuss
9 or impart such matters.

10 You will understand that a violation of these
11 instructions on your part may be the basis for a charge
12 against you of contempt of court.

13 Do you understand that?

14 THE WITNESS: I do.

15 (Thereupon, the witness, Charles E. Collins, was then
16 escorted from the Grand Jury Hearing Room by the Sergeant At
17 Arms.)

18 MR. HECHT: Mr. Robert Sours.

19 (Thereupon, the witness, Robert E. Sours, was then
20 escorted into the Grand Jury Hearing Room by the Sergeant At
21 Arms.)

22
23
24 ROBERT E. SOURS,
25 called as a witness before the Grand Jury, was duly sworn as
26 follows:

27 THE FOREMAN: You do solemnly swear that the evidence
28 you shall give in this matter now pending before the Grand Jury

1 of the County of Los Angeles shall be the truth, the whole
2 truth, and nothing but the truth, so help you God?

3 THE WITNESS: I do.

4
5
6 EXAMINATION

7 BY MR. HECHE:

8 Q Mr. Sours, what is your business or occupation?

9 A I'm Head of Court Services in the County Clerk's
10 Office, Criminal Division.

11 Q Who is the Chief in that particular department?

12 A William G. Sharp.

13 Q Who is the Chief of that Division?

14 A Peter J. Talmachoff.

15 Q Are you the Office Manager?

16 A Yes, I am.

17 Q In that capacity, if we wanted to use a cliche,
18 do you run the office, so to speak?

19 A Yes, I do.

20 Q What did you do before you went to the Clerk's
21 Office?

22 A I was a civil bailiff.

23 Q Now, if anyone wants to review an exhibit, a
24 member of the public wants to review an exhibit, which your
25 Division has under its custody and control, would you explain
26 what they have to do in order to have access or to attempt to
27 get access to such an exhibit?

28 A They have to fill out -- well, first they have to

1 find the case number and bring the case number to the exhibit
2 room.

3 Then, when they have the case number, they fill
4 out an exhibit reviewing form and request which exhibits they
5 want to see.

6 Q What happens then?

7 A Then the case is checked to see what the status
8 of the case is, and if the exhibits are available to public
9 viewing.

10 If they are available for public viewing then
11 the exhibits would be brought to a viewing table and the person
12 would be seated at the viewing table and allowed to look at the
13 exhibits.

14 Q All right; may I invite your attention to the
15 document directly behind you which purports to reflect the
16 general plan of the criminal division of the County Clerk's
17 Office.

18 MR. HECHT: With your permission, Mr. Foreman, I'd like
19 to mark this document as Grand Jury Exhibit Number 53.

20 THE FOREMAN: It may be so marked.

21 BY MR. HECHT:

22 Q Does that particular plan appear to you to be a
23 reasonable, accurate plan of the Criminal Division of the
24 County Clerk's Office?

25 A Yes, it does.

26 Q Now, has the procedure changed as to where a
27 person would view exhibits?

28 Has that procedure changed within the past year or

53 id

1 so, to your knowledge?

2 A Yes, it has.

3 Q And under the old procedure, where would such a
4 person view the exhibits, assuming that they were being given
5 access to the original exhibits?

6 A They would view them at the table, to the left
7 of the word "Room 448", except on certain occasions.

8 Q There is an area marked "table" on the chart?

9 A Yes, it is.

10 Q Now, is that table outside the area where your
11 employees generally perform their respective functions?

12 A Yes.

13 Q It is in a public area as distinguished from the
14 area behind the counter; let's call that a private area?

15 A Yes.

16 Q Would that be accurate?

17 A Yes.

18 Q The counter would separate the public from the
19 private area?

20 A Yes; that's correct.

21 Q How has that procedure changed as to where they
22 would view the exhibits today?

23 A Yes, that procedure has changed.

24 Q In what respect?

25 A Well, the table that is now behind what we call
26 the vault door, there is a room marked there and there is a
27 door swinging out on the right.

28 That door is the vault door and when it is open

1 it is relatively straight out and there is a table sitting
2 right there and that table is used for viewing.

3 If there are two people we use part of the counter
4 in that area.

5 Q When was that change made; do you know,
6 Mr. Sours?

7 A I would be guessing, but, approximately, about
8 September of 1970, maybe October -- I'm not sure.

9 Q Was there reason for that change being made?

10 A Yes.

11 Q Can you tell us that reason?

12 A Well, we decided, that is, Mr. Kristman and
13 myself, we decided it would be much easier to view inside the
14 counter and also give us more exhibit security.

15 Q Now we have here, and the term used is, I believe,
16 exhibit guide envelope.

17 Are you familiar with that term?

18 A Yes.

19 Q Can you describe an exhibit guide envelope?

20 A Yes; it's an envelope about five by eleven
21 inches and it is used to locate exhibits and it indicates the
22 type of exhibits and it is used for disposition purposes and
23 it is used to store exhibit receipts and exhibit records.

24 Q Would it be used to hold such items as exhibit
25 review viewing slips?

26 A Yes, it would.

27 Q It is my understanding from the exhibits we have
28 had here that the guide file in the Sirhan case was exchanged

1 from an old one to one that is now currently being used.

2 Are you familiar with that?

3 A Yes, I am.

4 Q Can you tell us when that change came into
5 existence in connection with the Sirhan case envelope,
6 particularly?

7 A I have no idea of the exact date.

8 Q Can you tell us the reason for that change?

9 A Yes; we changed from practically an unmarked
10 envelope to this new envelope that was preprinted with certain
11 blank spaces to be used in our procedures.

12 Q Have you seen the guide envelope or guide
13 envelopes in the Sirhan case?

14 A Yes, I have.

15 Q When was the first time you saw them?

16 A I have no recollection of the first time.

17 Q Was it recently or has it been some time ago?

18 A I would say in the last two months.

19 Q Do you recall that you and I had a conversation
20 in the District Attorney's Office on June 9, 1971?

21 A I recall having a conversation with you but I
22 don't know the date.

23 Q I represent to you that I have a transcript of
24 that conversation.

25 Do you recall a court reporter being there?

26 A Yes, I do.

27 Q And you recall the conversation was tape
28 recorded?

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Well?

A Yes.

Q I asked you, at that time, on Page 5, Line 26:

"Approximately how many times have you seen the guide envelope in the Sirhan case since the day they came into existence?"

Your answer was:

"I first saw them yesterday."

Does that refresh your recollection?

A Well, I recall I saw them about two months ago today.

Q All right; I think that is clear.

Now, based on what you know today, when did you first become aware that Judge Alarcon issued an order in connection with the handling and display of the original exhibits in the Sirhan case?

A Approximately the same time.

Q When did you become aware that Judge Walker had subsequently issued a court order on the very same subject, almost about the time the Sirhan case was concluded upstairs?

A About the same time.

Q What procedures, if any, did you engage in to satisfy yourself there was compliance with the provisions of Judge Walker's Court Order?

A Well, we gave numerous procedures.

Q Tell me what procedures you personally engaged in.

A Well, we made sure that the order was being

1 complied with at the time.

2 Q Tell me what you personally did, Mr. Sours.

3 A Could I have that question repeated?

4 Q Yes.

5 The question is simply this:

6 What did you personally do in order to make sure
7 that there was compliance in the Clerk's Office with
8 Judge Walker's Order?

9 A Well, we stored -- I must answer, first, that
10 we were aware that there would be a group of people -- well,
11 we expected to have a good number of individuals who would
12 come in to see the evidence --

13 Q Can you tell me what you did, if anything, or
14 what you did in concert with others?

15 A I obtained the Sirhan guide envelope.
16 We looked at all the viewing slips.
17 We talked to our people who were there at that
18 time.

19 Q Let me interrupt.

20 You said you looked at the viewing slips.

21 Were there viewing slips in existence prior to the
22 time Judge Walker's Court Order was issued?

23 A I was not there prior to the time his Court
24 Order was issued.

25 Q Were you working in the Clerk's Office at the time
26 Judge Walker's Order was issued?

27 A No, sir.

28 Q When did you first come into the Clerk's Office

1 in your present capacity?

2 A September 8, 1969, as Assistant Division Chief.

3 Q All right; at the time you came into the Clerk's
4 Office, at that time were you told about the existence of
5 Judge Walker's Court Order?

6 A No, sir.

7 Q When was the first time you became aware of the
8 existence of the Court Order?

9 A You gave me a date before; June 8, 1971.

10 Q How was that order brought to your attention?

11 A A gentleman from the Los Angeles Police Department
12 came in and wanted to see the Sirhan guide envelope and the
13 contents and that started a chain of events that we started
14 checking into what we had done, collectively, in this particular
15 case.

16 Q So that we are precisely clear about what you
17 told us, are you telling us that you, as office manager, first
18 became aware of the existence of Judge Walker's Order some
19 time in this year, 1971?

20 A Yes, sir.

21 Q Did the exhibit custody clerks work in the same
22 chain of command as you do?

23 A Yes, sir.

24 Q Would it be fair to say, based on what you
25 testified here, that prior to the time you became aware of
26 the existence of the court order, you didn't personally
27 instruct any of your exhibit custodian clerks as to the
28 procedure that should be used if someone wanted to see the

1 exhibits in the Sirhan case?

2 A I never instructed them, to my recollection, in
3 any way of handling the Sirhan exhibits prior to June 8 of
4 1971.

5 Q I direct your attention to Grand Jury Exhibit
6 Number 43.

7 Would you look at that, please?

8 That purports to be a letter from Mr. George E.
9 Shibley?

10 A Yes, sir.

11 Q Have you seen that letter before?

12 A Yes, I have.

13 Q That is a two-page letter dated August 27, 1970?

14 A Yes.

15 Q When did you first see that letter if, in fact,
16 you saw it before today?

17 A Sometime in the week of August 27th, 1970.

18 Q Can you tell me the circumstances leading up to
19 your seeing that particular letter?

20 A Well, on August 24th I came back from vacation
21 and sometime during that day I received a request to view
22 exhibits in the Sirhan case, the party requesting it was the
23 counsel in that case. I believe that was Mr. Lou McKissack
24 and he had with him some other gentlemen and I talked to
25 Mr. McKissack and he assured me he was counsel in that case on
26 appeal.

27 Q Why did you need such assurance?

28 A Because I knew this was a case on appeal and when

1 I first started in the criminal division as assistant chief
2 there was a file drawer located to the rear of the head of the
3 filing section which was marked "Sirhan" on the outer drawer
4 and I made inquiry of somebody, some worker at the time, as to
5 what was the particular significance about that case.

6 He said, "It's a no-no case. No one is to see
7 it."

8 And, from then on, as far as I was concerned,
9 it was a no-no case.

10 Q Let's then go back to your observations and
11 perhaps a conversation with Mr. McKissack at that time.

12 A Yes, sir.

13 Q What did you do? What happened then, you said
14 you had a conversation with Mr. McKissack, did you not?

15 A Yes.

16 Q What happened then leading up to this letter
17 and your seeing this letter?

18 A Mr. McKissack said he had a man with him whom he
19 wanted to see the exhibits and he was an expert of some kind
20 and he requested that he be allowed to see certain exhibits.

21 So I told them that they could see the exhibits.

22 Q You told them that they could see the exhibits?

23 A I told them that they could see the exhibits and
24 I referred them back to the exhibit custodian.

25 Q When you told them that they could see the
26 exhibits, would it be fair to say that you did not at that
27 time or you had not at that time seen Judge Walker's Court
28 Order?

1 A Yes; that's right.

2 Q Did it occur to you to look in the guide envelope
3 to see what the contents of the court order was?

4 A No, it didn't.

5 Q Are you telling us you made a determination that
6 Mr. McKissack's representations to you were good enough so that
7 Mr. Harper could see the original exhibits in the case?

8 A Yes, sir, he is an officer of the court.

9 Q When did you first see this letter?

10 A June 8, 1971.

11 Q Have you brought us up to date from the time you
12 told Mr. Harper that he could see the exhibits until the
13 receipt of that letter?

14 What I'm getting at is, what caused the receipt of
15 that letter by your division?

16 Was there any special reason for it?

17 A I asked Mr. McKissack if this gentleman was going
18 to see the exhibits just that time or to come back again.

19 Mr. McKissack informed me that he probably would
20 come back again and I said, "Why don't you send us a letter
21 requesting that this man be allowed to make future visits to
22 see the exhibits?"

23 That letter came in the mail.

24 Q Did you anticipate the fact that other experts
25 might come with Mr. Harper and be with him during the time he
26 had access to see the original exhibits of the Sirhan case?

27 A No, I did not.

28 Q Did you instruct your subordinates to ask any

1 person that might come with Mr. Harper for their identifica-
2 tion?

3 A No, sir.

4 Q Did you instruct your subordinates to restrict
5 the handling of the original exhibits to Mr. Harper alone,
6 in the event that other persons might be with him sometime?

7 A No, I did not.

8 Q During the questioning I engaged with you on
9 June 9, 1971, I read the letter which was introduced and at
10 the time I asked you what did you do after you got the letter,
11 Mr. Sours, in connection with complying with the request.

12 A I don't recall exactly what I did. I assume it
13 was good enough to instruct my people that if Mr. Harper would
14 arrive that he be allowed to look at the exhibits because
15 counsel had a right to look at the exhibits.

16 Q Do you recall who you gave those instructions
17 to?

18 A No, I don't.

19 Q Could you find out?

20 A I would assume it was Mr. Buckley, but I wouldn't
21 swear it was Mr. Buckley.

22 Q My next question, in fact, in the guide envelope
23 is there an order in the guide envelope regarding reproduction
24 of the exhibits.

25 Was that document in the guide envelope at the
26 time you got it.

27 Your answer to that was that it was not.

28 I believe you said, "It was not, not to my

1 knowledge."

2 Was that an accurate answer to the question I
3 was posing at the time?

4 A Yes.

5 Q And had you discussed with Mr. Talmachoff at any
6 time prior to receiving the letter from Mr. Shibley the
7 restrictions that had been placed on the Sirhan exhibits
8 by Judge Alarcon or Judge Walker?

9 A No, sir.

10 Q Prior to the time of your receipt of that letter,
11 had Mr. Talmachoff ever given you any instructions in connec-
12 tion with the method or the way the Sirhan exhibits would be
13 handled by people in your department?

14 A No, sir.

15 Q Did Mr. Talmachoff specifically instruct you
16 that the Sirhan exhibits were to be handled in any manner other
17 than the customary manner in any other death penalty case that
18 was being handled in the county clerk's office downstairs?

19 A No, sir.

20 Q Did Mr. Talmachoff ever specifically instruct you
21 that the Sirhan Bishara Sirhan exhibits should be handled in
22 any manner other than the customary manner of any other death
23 penalty case exhibits, as they are handled in your clerk's
24 office?

25 A Just recently.

26 Q When you say "just recently", how recent is
27 "just recently", Mr. Sours?

28 A In the last few weeks.

1 Q Did Mr. Talmachoff ever specifically tell you
2 that there was a court order in existence that was contained
3 in the Sirhan Bishara Sirhan guide envelope?

4 A No, sir.

5 Q Were you personally aware of that fact?

6 A No, sir.

7 Q Did you personally participate in showing the
8 exhibits, that is, the Sirhan case exhibits to any member of
9 the public?

10 A No, sir.

11 Q You and I had another conversation on June 11,
12 1971, in the District Attorney's Office?

13 A Yes, sir.

14 Q At that time did we converse about the fact that
15 some effort had been made by members of your office, including
16 yourself, to get the Clerk of the Supreme Court to return the
17 original exhibits in the Sirhan case to the Clerk's Office
18 in this building?

19 A Yes, sir.

20 Q Can you tell me why that effort was extended?

21 A Because Mr. Kristman, who is the assistant
22 chief of the department and Mr. Talmachoff's boss, called me
23 on the phone and told me we should get them back and see
24 what we had sent there so that we were sure what was what and
25 what was not there.

26 Q As a result of that instruction of Mr. Kristman,
27 was a contact made with the Clerk of the Supreme Court?

28 A Yes; two clerks, one locally and one in

1 San Francisco.

2 Q And was it finally determined that you had sent
3 everything to the Supreme Court that they were entitled to
4 receive?

5 A Yes.

6 Q Did you become familiar with the fact that
7 in the filing of the exhibit review forms in connection with
8 the Sirhan case that a number of these exhibit review forms
9 had not been completely filled out?

10 A Yes, sir.

11 Q Has some effort to improve that procedure in the
12 clerk's office been made?

13 A Yes, sir.

14 Q What efforts have been made in that regard?

15 A We designed a new exhibit form.

16 We have instructed the eight members of the
17 exhibit section that the form must be filled out in its
18 entirety.

19 We have watched them fill out the form and made
20 sure they fill it out in its entirety.

21 Q To your knowledge, up to that time, that you had
22 the conversation with the District Attorney's Office, and this
23 is the first conversation in June of this year, had
24 Mr. Talmachoff established any procedures whatsoever whereby
25 the provisions of the Court Order issued by Judge Walker would
26 be complied with?

27 A To my direct knowledge, no, sir.

28 Q At the risk of being repetitious, do you, in fact,

1 supervise the exhibit custodian clerks in your office?

2 A Yes, I do.

3 Q Are you also responsible for their training?

4 A Somewhat, yes, sir.

5 Q What type of turnover have you had insofar as
6 the exhibit custodian clerks are concerned?

7 A From when to when?

8 Q During the time you have been there, and if there
9 has been a change, please tell us.

10 A Well, none of the people that are working there
11 today were working there when I started.

12 Q Is that the result of turnover?

13 A It's the result of reclassification of
14 position and examinations and other people were qualified.

15 Q Is the turnover, as far as the exhibit clerks,
16 more greater than usual in other sections of your office?

17 A Well, we have had an office turnover of 34
18 percent in the last year, 1970, and the exhibit turnover in
19 that year, due to the examination was 100 percent.

20 Q What bothers me, Mr. Sours, and I have to ask
21 you this question, if you were not aware of the existence of
22 the court order in the Sirhan case until recently, how could
23 the exhibit custodian clerks be expected to know the existence
24 and contents of that court order in order to possibly discharge
25 their duties thereunder?

26 A They were instructed to look at the guide
27 envelopes for any instructions that were there.

28 Q Do you have in mind that the notation on the

1 Sirhan guide envelope has just recently had printed on it:
2 "See court order"?

3 A Yes, I do.

4 Q And in the absence of that notation, would you
5 anticipate that they were expected to look for the entire
6 guide envelope to see if there was a court order in there,
7 before waiting on people who wanted to see exhibits?

8 A I would expect them to pull out the exhibit
9 receipt list and in doing so they would pull out the contents
10 of the guide envelope and look for whatever orders were in
11 there.

12 Q Is there any other way they could find out what
13 they were looking for?

14 A No, I don't believe so.

15 MR. HECHT: I have nothing further.

16 THE FOREMAN: Any questions to be directed to the
17 witness by any member of the Grand Jury? If so, please
18 write them out and they will be directed to the witness
19 through the Deputy District Attorney.

20 MR. SOURS: Could I have a moment; I would like to
21 present for your Honor's acceptance, as evidence, the efforts
22 that the county clerk has made to improve the exhibit division
23 since August of 1969.

24 THE FOREMAN: We will be pleased to accept that.

25 MR. HECHT: May this be marked Grand Jury Exhibit
26 Number 54, Mr. Foreman?

27 THE FOREMAN: Yes; it will be so marked.

28 Sir, would you be good enough to read it into

1 the record?

2 MR. SOURS: Yes, sir.

3 (Reading:)

4 "REPORT OF AFFIRMATIVE ACTION TAKEN
5 WITH RESPECT TO CRIMINAL EXHIBITS
6 AND THEIR SECURITY

7 "ACTIONS COMPLETED

- 8 "1. All exhibit rooms in Hall of Justice and Annex
9 at 330 N. Broadway cleaned up, and exhibits
10 relocated in orderly fashion.
- 11 "2. All work areas in exhibit rooms reorganized
12 and unauthorized persons denied access.
- 13 "3. All narcotics concentrated in one storage room.
- 14 "4. Hasps and padlocks installed on all safes in
15 addition to the combination locks for additional
16 security. Combinations restricted to management
17 personnel. Keys to padlocks restricted to
18 working exhibit personnel.
- 19 "5. Accounting system and special receipts for cash
20 exhibits established, with audit to be performed
21 by Accounting Division.
- 22 "6. Guide envelopes, which contain the receipts for
23 exhibits and serve as an item control showing the
24 location of each exhibit, were completely revised
25 and stored in one place.
- 26 "7. Disposition of exhibits by destruction or other
27 method imposed by law was accelerated, releasing
28 valuable storage space.

1 "8. The position of exhibit custodian was requested from
2 the Department of Personnel and established, and
3 budget allocations from the CAO allowed one super-
4 vising exhibit custodian, one senior exhibit
5 custodian, and six exhibit custodians. Prior to
6 the establishment of these positions, exhibits had
7 been handled at the clerk and intermediate clerk
8 level. The new positions introduced a higher
9 level of quality and responsibility in those
10 persons charged with exhibit care.

11 "9. A type of locked metal container was developed and
12 put in use for transporting exhibits between the
13 Central District and other Districts.

14 "10. Transportation of exhibits between districts was
15 removed from County Messenger Service for security
16 reasons, and rescheduled through use of criminal
17 exhibit custodians on a regular weekly basis by
18 truck.

19 "11. A Criminal Exhibits Manual was prepared and issued
20 for use of exhibit custodians.

21 "ACTIONS INITIATED AND ONGOING

22 "1. Conferences had with District Attorney to develop
23 a program to substitute photographs in lieu of
24 large and bulky exhibits for ease in handling and
25 saving of storage space. The Court is now being
26 consulted as to ways and means of putting this in
27 practice.

28 "2. Plans were developed for the Clerk's Office in

1 the new Criminal Courts Building which provide
2 for the installation of one large vault for
3 security instead of separate safes, separate
4 viewing areas for inspection of exhibits, and
5 work areas designed to keep the entire exhibits
6 area under complete security.

7 "3. Funds for purchase of a special wrapping machine
8 to wrap exhibits, particularly narcotics, in
9 plastic, were allocated on the 1971-72 budget, and
10 a Purchase Order has been filed with Purchasing
11 and Stores.

12 "4. A request was made to the CAO for a California
13 Council of Criminal Justice grant to study
14 security of exhibits in felony processing. The
15 CAO recommended approval and forwarded the re-
16 quest to the Board of Supervisors on May 18,
17 1971.

18 "5. A study was made of a mechanical exhibit storage
19 and retrieval system and submitted to the CAO
20 for inclusion in the Capital Projects for the new
21 Criminal Courts Building. The proposed system
22 (similar or like to Randtriever) would provide the
23 best available security for exhibit storage.

24 "6. A systems study is under way by departmental
25 systems personnel with respect to an improved
26 disposal system."

27 MR. HECHT: I have a number of questions from the
28 Grand Jurors.

1 Q Do you know Mr. Harper, Mr. William W. Harper?

2 A No, sir, I do not.

3 Q Have you ever seen him?

4 A Yes; I believe I must have seen the man.

5 Q When the conversation that you testified to
6 occurred with Mr. McKissack, was Mr. Harper present with
7 Mr. McKissack?

8 A I don't believe he was.

9 Q Do you remember when Mr. Harper was given access
10 to the exhibits prior to the receipt of the letter from
11 Mr. Shibley?

12 A He was given access on that day.

13 Q And you subsequently received a letter?

14 A That's right.

15 Q When Mr. Harper was given access on that day,
16 do you know whether Mr. McKissack was with him during the
17 time he had the exhibits?

18 A I do not know.

19 Q One of the Grand Jurors has asked the following
20 question:

21 Are there any circumstances when a clerk must
22 get higher authority before allowing anyone to view the
23 exhibits?

24 A Yes; if you are talking currently.

25 Q Yes; currently, today.

26 A Yes, sir.

27 Q What are those circumstances?

28 A When a case is on appeal, when it is a particular,

1 significant type of case or a case that we consider requires
2 special handling, like a death penalty case.

3 Q How do today's procedures differ from the
4 procedures that were in existence one year ago?

5 A We were not following the procedures of having
6 to get permission for every case on appeal.

7 Q You have a safe in the clerk's office, do you
8 not?

9 A We have three safes.

10 Q Are any exhibits kept in any one of those three
11 safes?

12 A They are.

13 They all contain exhibits.

14 Q Do each of these three safes contain an inner
15 compartment?

16 A One safe has shelving and also contains an inner
17 compartment.

18 Q How about the other two?

19 A The others have numerous shelving.

20 Q Do any of those operate by way of a combination
21 lock?

22 A Yes, they all do.

23 Q Were the Sirhan exhibits kept in the inner
24 compartment of one of those safes?

25 A Yes, they were kept in an inner compartment and
26 Mr. Talmachoff and myself were the ones who had the keys to
27 that inner compartment.

28 Q Was that inner safe routinely opened every day at

1 the start of the business day?

2 A I have seen the inner safe opened once and I
3 have never opened that safe myself.

4 Q Is the inner safe contained in the safe opened by
5 a combination or by a lock?

6 A It is opened by both, a lock and combination.

7 Q Is that safe routinely opened at the start of
8 each day's business?

9 A Not the inner safe.

10 We used to open the outer safe but today that safe
11 is locked.

12 Q I sense from your answer that is a recent practice?

13 A Yes; we started locking it because we have a
14 particular case that is in Department 109 at this moment.

15 Otherwise that safe would have been unlocked all
16 day except for a padlock which is on it all day long.

17 Q Mr. Sours, in going over the exhibits in the Sirhan
18 case, which we have here, we have noted that some of these
19 slips have been poorly filled out, if they, in fact, have been
20 filled out at all.

21 Did you ever feel the need for periodically
22 reviewing the exhibit review slips in the Sirhan case or in
23 any other case in order to make sure that they were being
24 filled fully and properly out?

25 A No, sir.

26 Q Where are the exhibits viewed?

27 A You mean about the tables?

28 Q Are exhibits viewed in areas other than a public

1 area?

2 A They are now, yes.

3 Q When was the practice changed with reference to
4 that?

5 A First, as to the general viewing, I don't know
6 if you're asking about a particular time or a particular
7 instance but I have been told, though I never saw it myself,
8 but I have been told that they have viewed exhibits in my
9 office and Mr. Talmachoff's office and in the lunch room behind
10 his office.

11 Q Were you present on any of those occasions?

12 A No, sir.

13 Q There's another question by a member of the Grand
14 Jury.

15 In your opinion, would it be possible for anyone
16 to walk out unobserved by your employees with exhibits that
17 you have under your care, custody and control?

18 A The possibility that might exist is the reason
19 that the table was moved from the public area to inside the
20 exhibit room area and that table is inside in the private
21 area where the exhibits are viewed.

22 I think it's the same table but it may be another
23 table.

24 But, in any event, we had a table there all the
25 time.

26 You recall that the table was outside and the
27 persons who were viewing the exhibits would look at them at
28 that table that was outside and the clerks were inside the

1 exhibit area and they watched them from inside the exhibit
2 area.

3 We now have changed that so that the table is
4 inside where the same clerk, one of the clerks, could keep
5 an eye on the person viewing the exhibits, and, to that
6 extent, we have improved the security of the exhibits.

7 MR. HECHT: Thank you.

8 I have nothing further.

9 Oh, yes, I do.

10 Q I notice that you have read Exhibit 54 into the
11 record. I notice that document is not dated.

12 Do you know when that document was prepared?

13 A Well, it was given to me today.

14 Do you want me to date it?

15 THE FOREMAN: If you will.

16 THE WITNESS: I'm dating it 8-17-71, and I'm putting
17 my initials "RAS".

18 You know, I was a court clerk and that's how
19 we were taught to do it.

20 BY MR. HECHT:

21 Q Can you tell us where you got that document from?

22 A It came to me from Mr. Ned Ramsey.

23 Q And can you tell us his position in the clerk's
24 office?

25 A He's acting assistant chief of the juvenile,
26 criminal and psychiatric division.

27 MR. HECHT: I have nothing further.

28 THE FOREMAN: Any further questions?

1 Apparently not.

2 I'd like to caution you not to discuss or impart
3 at any time, outside of this jury room, the questions that
4 were asked of you in regard to this matter, or your answers,
5 until authorized by this Grand Jury or the Court to discuss
6 or impart such matters.

7 You will understand that a violation of these
8 instructions on your part may be the basis for a charge
9 against you of contempt of court.

10 Do you understand that?

11 THE WITNESS: I do.

12 (Thereupon, the witness, Robert E. Sours, was then
13 escorted from the Grand Jury Hearing Room by the Sergeant
14 At Arms.)

15 MR. HECHT: Kenneth Buckley.

16 (Thereupon, the witness, Kenneth A. Buckley, was then
17 escorted into the Grand Jury Hearing Room by the Sergeant
18 At Arms.)

19
20
21 KENNETH A. BUCKLEY,
22 called as a witness before the Grand Jury, was duly sworn
23 as follows:

24 THE FOREMAN: You do solemnly swear that the evidence
25 you shall give in this matter now pending before the Grand
26 Jury of the County of Los Angeles shall be the truth, the
27 whole truth, and nothing but the truth, so help you God?

28 THE WITNESS: I do.

EXAMINATION

1
2 BY MR. HECHT:

3 Q Mr. Buckley, what is your job title, please?

4 A I'm acting supervisor of the criminal exhibit
5 section.

6 Q How long have you had that job?

7 A Since April of last year.

8 Q What did you do before that?

9 A Well, I worked on the mail desk in the criminal
10 division and then in the filing section in the criminal
11 division.

12 Q Are you immediately responsible to Mr. Sours?

13 A Yes.

14 Q That is the witness who just went out of here?

15 A That's right.

16 Q Generally speaking, what are your duties?

17 A Well, I supervise all of the activity of the
18 exhibit section, since I have assumed that position.

19 Q When you assumed that position, was Mr. Sours in
20 his present position?

21 A Yes, sir, he was.

22 Q Now, referring to the Sirhan case, when did it
23 come to your attention, if it ever did, that there was a court
24 order in existence with respect to the exhibits?

25 A I knew immediately because I looked at it when it
26 came into the exhibit section.

27 Q Why did you do this?

28 A Well, it's what you would call an above-average

1 case, so I decided to familiarize myself with it.

2 Q Did you make Mr. Sours aware of the fact that
3 you had familiarized yourself with the court order?

4 A Yes, I believe he knew.

5 Q Do you recall having a conversation with him?

6 A I asked him about it.

7 Q What did you ask him?

8 A If there were any special restrictions on it and
9 I believe he instructed me about the court order then.

10 Q Would it surprise you to know that Mr. Sours
11 testified he wasn't aware of the contents of that court order
12 until June of this year?

13 A Yes, it does.

14 Q Who held your job before you took over that
15 particular position?

16 A Gary Hainston.

17 Q Did you talk to him and did you discuss with him
18 the existence of the court order as to the exhibits in the
19 Sirhan case?

20 A I think he pointed it out to me.

21 Q Where did you find the court order?

22 A The court order was attached to the wall by the
23 supervisor's desk, in the exhibit section.

24 Q What did you do after you read that court
25 order?

26 A I think I just made a mental note about it.

27 Q Are you telling us that the court order was
28 attached to the wall?

1 A Yes, sir.

2 Q Do you recall having an interview with me on
3 Wednesday, June 9, 1971?

4 A Yes.

5 Q And do you recall that during that interview
6 there was a reporter that was taking down the questions and
7 the answers that were being asked?

8 A Yes.

9 Q And do you recall there was a tape recorder
10 recording that conversation?

11 A Yes, there was.

12 Q All right, on Page 5 I asked you the following
13 question:

14 "QUESTION: Did you talk with Mr. Gary Hairston
15 about the existence of the court order?

16 "ANSWER: No, I did not.

17 "QUESTION: What did you do? You went to the
18 guide envelope?

19 "ANSWER: I went immediately to the envelope.

20 "QUESTION: Did you read the court order?

21 "ANSWER: Yes, I read the order.

22 "QUESTION: All right, what did you do after you
23 read the order?

24 "ANSWER: I replaced it in the guide envelope
25 and put it back."

26 Were those the questions I asked you and the
27 answers you gave me?

28 A To the best of my recollection, yes.

1 Q Would you tell me now whether you read the
2 court order that was hanging on the wall, or whether you
3 read it, as you indicated to me, in the guide envelope?

4 A In all probability I did both.

5 Q Do you know where the court order is that you
6 stated was on the wall?

7 A I believe we changed the inside of that
8 particular office and there were several documents hanging
9 on the wall and they were yellow from age, as I remember.

10 After some months we had bulletins so I don't
11 remember if we took it down or if we just left it there.

12 Q The court order that you remember hanging on the
13 wall, was that Judge Alarcon's court order?

14 A It could have been.

15 Q Are you able to state specifically which one it
16 was?

17 A No, I cannot.

18 Q Now, what action did you take, if any, in
19 connection with your reading of that court order?

20 A One of the first things I did, to safeguard
21 those particular exhibits, is, if anyone came in requesting
22 to view them, if anyone asked for them, I told the fellows
23 if anyone asked about those exhibits that they should come to
24 see me personally before anything was done.

25 Q Did you do anything else?

26 A I put some writing on the outside of the Sirhan
27 guide envelope when I changed the envelope.

28 Q What did you do on the outside of the envelope?

1 A I put the case number and the fact that it was a
2 death penalty case and, well -- well, I had three envelopes.
3 One was for the actual exhibit receipts. One was for copies
4 of the court orders and one was for the viewing slips. I marked
5 each envelope with what were the contents and I think that was
6 it.

7 Q Did you later place on the outside of one of
8 the guide envelopes in the Sirhan case the language to the
9 effect, "See court order"?

10 A Yes, I did.

11 Q When did you place that language on the guide
12 envelope?

13 A I don't recall exactly, but I think that it was
14 just about the time that your office started investigating.

15 Q That would be about June of this year?

16 A Yes.

17 Q Do you have in mind most of the exhibits in the
18 Sirhan case had been transferred to the clerk of the Supreme
19 Court in January of this year?

20 A Yes, I believe that was January 3rd.

21 Q What would be the effect of the language "See
22 court order" if most of the exhibits were no longer under your
23 care, custody or control?

24 A I don't know.

25 Q What would you expect your custodian exhibit
26 clerks to do if they found the notation "See court order"
27 when you, in fact, no longer had the exhibits?

28 A Well, the court order would tell them that was

1 restricted and they would see that we had already sent them
2 to the Supreme Court, so that the people who were asking for
3 them couldn't see them but would have to go to the Supreme
4 Court.

5 Q How many guide envelopes are locked up in the
6 section of the safe that you have referred to?

7 A Well, I think there's over 500.

8 Q When Mr. Talmachoff came here he brought with him
9 three guide envelopes that were stapled together and he said
10 that the three envelopes contained various documents concern-
11 ing the exhibits in the Sirhan case.

12 Referring to the original envelopes, were they
13 stapled together?

14 A They were stapled together about six months ago.
15 I took all of the guide envelopes involving death penalties
16 and changed them all.

17 Q In placing the notation on the outside of the
18 first guide envelope "See court order", did you do that of your
19 own accord?

20 A I believe I did.

21 Q Did Mr. Talmachoff tell you to do that?

22 A No; I don't think so because he criticized my
23 work.

24 Q What did he do when he criticized your work?

25 A In what regard?

26 Q In connection with the Sirhan case?

27 A I never really understood.

28 Q On page 6 of the transcript of the conversation

1 between you and me on Wednesday, June 9, 1971, I asked you
2 the following question,

3 "When was the notation, 'See court order',
4 when was that notation put on?

5 "ANSWER: That was put on either yesterday or
6 the day before.

7 "QUESTION: How was that subject brought up?

8 "ANSWER: I was told to do it by Mr. Talmachoff."

9 Was that answer correct or was the answer you
10 gave today correct?

11 A I really don't know.

12 Q Since March 4, 1970, up until today, have you
13 ever had any conversation with Mr. Talmachoff about the
14 existence of the court order restricting the exhibits in the
15 Sirhan case?

16 I'm referring to the court order of May 20,
17 1969, Judge Walker's court order.

18 A Yes.

19 Q When was the first time you had such a
20 conversation?

21 A We've had so many conversations since this
22 investigation started I just can't remember.

23 Q Do you recall seeing or did you have any
24 connection in any way, with the letter from Attorney George
25 Shibley?

26 A I'm not sure what you're talking about.

27 Q Let me show you Grand Jury Exhibit Number 43,
28 a two-page document.

1 Let me show that to you and see if it refreshes
2 your recollection.

3 A I believe that letter was inside the guide
4 envelope which contained the viewing slips.

5 Q When did you first see that letter?

6 A I think the first time I was really aware of it
7 was when it was brought out in this investigation.

8 Q Did you see it before that?

9 A I am sure I would have to see it.
10 I must have seen it when I changed the
11 envelopes.

12 Q Did you ever review the contents with
13 Mr. Talmachoff?

14 A I don't think I did.

15 Q Did you review its contents with Mr. Sours?

16 A I don't think I did with him, either.

17 Q Can you tell me if there were any other court
18 orders you have seen or that you became acquainted with or
19 heard about that would permit anyone to have access to the
20 original exhibits in the Sirhan case?

21 A No.

22 Q When did it first come to your attention that
23 persons other than counsel of record and perhaps Mr. William
24 Harper had been given access to either the original exhibits
25 or photocopies of the exhibits?

26 A After this investigation began.

27 Q Did you ever speak to Mr. Talmachoff in connec-
28 tion with access that certain people had been given to the

1 original exhibits in the case?

2 A My own communication with him on this would be
3 either with Mr. Sours or Mr. Walker, not with Mr. Talmachoff,
4 no.

5 Q Not with Mr. Talmachoff?

6 A Not with Mr. Talmachoff directly.

7 Q If someone came in to view the exhibits and you
8 had reason to question their seeing the exhibits, what would
9 you do?

10 A If I had reason to doubt they had any right to
11 see them, which would be about 90 percent of the time, then
12 I would see either Mr. Walker or Mr. Sours.

13 Q Well, I refer again to our conversation on
14 Wednesday, June 9, 1971, at Page 47:

15 "When did it first come to your attention
16 that besides counsel of record, Mr. Harper had access
17 to these exhibits?

18 "ANSWER: I had seen these when I had first
19 checked the guide envelope and wondered and, in
20 fact, I spoke to Mr. Talmachoff and asked him why
21 he had seen it.

22 "QUESTION: Okay; what did he say?

23 "ANSWER: They were not supposed to, they
24 should not have seen them."

25 Were those questions asked by me and were
26 those answers given by you?

27 A Yes.

28 Q Now, what is the fact, did you speak to

1 Mr. Talmachoff in reference to this matter that I just
2 mentioned?

3 A Yes.

4 Q Was it a fact that he stated to you, "They were
5 not supposed to see them, they should not have seen them"?

6 A I believe so.

7 Q When did that conversation with Mr. Talmachoff
8 take place?

9 A I think it was around the time I was changing
10 all the envelopes.

11 Q Could that conversation have taken place in March
12 or April of 1970?

13 A It could have, yes.

14 Q On page 13 of the same transcript my question to
15 you on that day when I interviewed you,

16 "When did that conversation with
17 Mr. Talmachoff take place?

18 "ANSWER: I believe that, again, would
19 be in March or April of 1970."

20 "QUESTION: Have you had the conversation
21 with Mr. Talmachoff, did you take any steps
22 that no one could have access to the exhibits
23 without a court order?

24 "ANSWER: Yes; I instructed the people under
25 me there must be an order with a request to
26 view."

27 Were those my questions to you and your
28 answers to me?

1 A Yes.

2 Q Can you explain to me why on April 7, 1970,
3 Mr. Harper was given access to the original exhibits in the
4 case without producing a court order?

5 A The only answer I can give to that is that
6 I went a step above myself and got authorization for him to
7 see them.

8 Q When did you do that?

9 A The very first time he went to the section.

10 Q Tell me about that particular event.

11 A He came in and he asked to see the exhibits;
12 the bullets and the weapon.

13 If I recall Ricky came to me and told me he
14 wanted to see them.

15 I went there from my desk and I told him that he
16 could not see them, that he had to see them by a court
17 order.

18 He told me that he was associated with
19 Mr. McKissack and he pulled out a card, as I recall, and
20 he gave it to me.

21 Q His own card?

22 A I believe it was a calling card but it had
23 something on it by Mr. McKissack and so I called
24 Mr. McKissack's office and they verified the fact that
25 he was associated with them and I went from there to
26 Mr. Walker and told Mr. Walker what I had done and Mr. Walker
27 okayed his seeing the exhibits.

28 Q After you had the conversation with

1 Mr. Talmachoff in March or April of 1970, did you confer
2 with Mr. Walker?

3 A Yes.

4 Q Did you ever see any scientific equipment or
5 what appeared to look like scientific equipment brought into
6 the clerk's office downstairs?

7 A Yes, I did.

8 Q And on how many occasions did you see such
9 equipment being brought in?

10 A To the best of my recollection it was twice.

11 Q Could it have been as many as six times?

12 A It could have been.

13 It could be, but I couldn't swear to it.

14 Q On page 17 of the interview I asked you the
15 following question:

16 "SUPERVISOR: On how many occasions did
17 you see some scientific equipment being brought
18 in?"

19 "ANSWER: I would say at least six."

20 Would you say as many as two times or six

21 times?

22 A I think my mind was a little fresher in June
23 than it is now.

24 Q Were you involved in finding these exhibits
25 for people?

26 A At times.

27 Q In regard to the times that they brought in
28 this scientific equipment, did you ever go and get the

1 exhibits yourself?

2 A I may have on one or two occasions.

3 Q Did you make a point to be there when the
4 exhibits were being examined?

5 A Yes.

6 Q Why?

7 A Number one, I didn't trust Mr. Harper.

8 Q Why not?

9 A He was too nice.

10 Q In what way?

11 A He seemed to be too friendly and he was too
12 eager to keep us happy.

13 Q What do you mean by that?

14 A Well, he used to -- he always would come in
15 around sometime around between 11:30 and 12:30 and I
16 remember on the one occasion I was a little short-tempered and
17 I asked him rather nicely if he would come in at a later
18 hour because too many people were out to lunch at that time
19 and boom, right away, he changed and started coming in at a
20 later time.

21 Q Now, when Mr. Harper came in on those occasions,
22 and when you were made aware of his presence, did you
23 personally make an effort to see what he was doing?

24 A Yes.

25 Q Did you personally stay at the scene the entire
26 length of time?

27 A Not during the entire length of time.

28 Q He was on occasion there for several hours?

1 A Yes, he was.

2 Q And you did not remain that entire length of
3 time?

4 A No; I could not remain for the entire length
5 of time.

6 Q You have noted that sometimes the exhibit
7 reviewing forms appeared to be incompletely filled out?

8 A Yes.

9 Q You and I have discussed that in previous
10 conversations?

11 A Yes.

12 Q Can you tell us why there appeared to be a
13 lack of completeness in the filling out of the review
14 forms so that one cannot go back and reconstruct the
15 event?

16 A The only thing I can say is that there was
17 sloppiness on the part of the person who was allowing the
18 exhibits to be viewed.

19 Q Did you ever discuss with Mr. Talmachoff or
20 anyone in your office to get some kind of opinion whether
21 Mr. Harper fit under the "counsel of record" that appears
22 in the court order?

23 A I don't believe so.

24 Q When Mr. Harper came to examine the exhibits,
25 did someone with him identify himself as an attorney?

26 A Not while I was there.

27 Q Do you recall when Mr. Harper came in on
28 occasion whether there would be other people in his party?

1 A Yes.

2 Q Do you remember on such occasions how many
3 people were there?

4 A I think that the greatest number was three.

5 Q Were any of these persons with Mr. Harper
6 personally known to you?

7 A No.

8 Q Did you ask any of them for identification?

9 A No, I did not.

10 Q Did you see them handle the actual exhibits
11 at all?

12 A Yes, I may have.

13 Q What kind of exhibits did you see them
14 handle?

15 A As far as I could determine, the actual bullets.

16 Q Your department issued a questionnaire to you
17 and certain other employees in connection with the
18 investigation going on; do you recall that?

19 A Yes, sir.

20 Q And you filled out a questionnaire, too?

21 A Yes, I did.

22 Q Now, Question Number Seven --

23 I don't have the questions here, but this
24 appears to be the answer:

25 "One man, Mr. Harper in particular, an
26 authorized representative of the lawyers partici-
27 pating in the case, had picked up an expended
28 cartridge on numerous visits and he always requested

1 that exhibit."

2 Was that your statement?

3 A Yes, it is.

4 Q And next question,

5 "I saw Mr. Harper use a jeweler's
6 eyepiece and scrutinize the cartridge on the
7 chair and he had a light and other scientific
8 equipment."

9 You say that Mr. Harper looked at this cartridge
10 through strong magnification?

11 A Yes.

12 Q Did you inform the other custodians about
13 Mr. Harper?

14 A Yes.

15 Q Who were the other custodians?

16 A I believe Jack Hall, Ken Douglas and Loyloss
17 Williams.

18 Q One of the Grand Jurors wishes to ask what was
19 the specific date you became a supervisor in the criminal
20 exhibits?

21 A I believe it was April 3rd of 1970.

22 Q Mr. Buckley, you were kind enough to come to
23 our office and take a polygraph test on July 8, 1971; do you
24 recall that?

25 A Yes, I do.

26 Q You were aware, were you not, that the poly-
27 graph examination was tape-recorded?

28 A Yes.

#13

1 Q You were aware that we took polygraph
2 examinations of some other individuals in your depart-
3 ment?

4 A Yes.

5 Q Since the polygraph examinations, have you
6 received any information on methods that allegedly could
7 be used in beating polygraph tests?

8 A Yes, I've heard of one.

9 Q That was discussed by persons in your group
10 prior to the time you took the test?

11 A No.

12 Q In your examination with Mr. Carsee, the
13 polygraph examiner, the following question was asked:

14 "Since the polygraphs have started,
15 have you ever received information on methods
16 that are alleged to beat the polygraph test?"
17 Then your answer was "Yes".

18 Now, my question is: Under what circumstances
19 do such conversations arise?

20 A I think I recall it was some friends and we
21 were talking about polygraph and someone mentioned if you
22 consistently lied you could beat it.

23 Q Can you assure the Grand Jury that the original
24 exhibits, particularly the ballistics evidence in the Sirhan
25 case, had not in any way been altered during the time they
26 were in your custody or control?

27 A To the best of my knowledge, yes.

28 Q Can you assure the members of the Grand Jury

1 they have not been substituted?

2 A Again, to the best of my knowledge, yes.

3 Q Can you assure us that they have not been
4 tampered with in any way?

5 A As I said, on that deal, when they were taking
6 the pictures, or whatever they were doing, that I was
7 personally watching it very carefully because these men
8 were so close to that evidence that I could not swear to
9 the fact it could not have been tampered with but I don't
10 think it was.

11 Q As you recall your activity in connection with
12 the Sirhan case, did you ever make out any of these exhibit
13 review forms or participate in any of the transactions that
14 are reflected on the exhibit review forms?

15 A I don't remember making out any of the forms
16 myself, but always, whenever anyone was there to look at
17 them at some time or other I was there, also.

18 Q Do I take that to mean that people would come
19 into your office and if they wanted to look at any exhibits
20 in the Sirhan case, you would watch them looking at the
21 exhibits?

22 A Well, at some time or other I think I did.

23 Q Had you left instructions that you were to
24 be specifically alerted when anyone came in for exhibits
25 on the Sirhan case?

26 A Yes, I did.

27 Q To whom did you leave these instructions?

28 A To all members of the exhibit staff.

1 Q When did you give them those instructions?

2 A Shortly after I took over as supervisor.

3 Q What date was that again?

4 A I believe March 3, 1970.

5 Q Do we understand from what you have just
6 testified that whenever a viewing slip appears as a matter
7 of record after that date, that you were called and had some
8 contacts with that particular transaction?

9 A Yes; on any day I was there.

10 Q I see. There may have been days when you were
11 not there?

12 A Right.

13 Q Are we talking about many days?

14 A Now I can't remember.

15 Q Is it remotely possible you might have been
16 taken up with other matters on a particular instance and you
17 did not have any contact with the persons who desired to
18 view the Sirhan exhibits?

19 A It could have happened.

20 MR. HECHT: I believe that is all.

21 THE COURT: Any further questions?

22 Apparently not.

23 I'd like to caution you not to discuss or impart
24 at any time, outside of this jury room, the questions that
25 were asked of you in regard to this matter, or your answers,
26 until authorized by this Grand Jury or the Court to discuss
27 or impart such matters.

28 You will understand that a violation of these

1 instruction on your part may be the basis for a charge
2 against you of contempt of court.

3 Do you understand that?

4 THE WITNESS: I do.

5 (Thereupon, the witness, Kenneth A. Buckley, was then
6 escorted from the Grand Jury Hearing Room by the Sergeant
7 At Arms.)

8 THE FOREMAN: We'll take a short recess.

9 (Mid-afternoon recess.)

10 THE FOREMAN: Let the record show the Grand Jury has
11 reassembled and the court reporter is present.

12 You may proceed, Mr. Hecht.

13 MR. HECHT: Mr. Douglas.

14 (Thereupon, the witness, Kenneth W. Douglas, was then
15 escorted into the Grand Jury Hearing Room by the Sergeant At
16 Arms.)

17
18
19 KENNETH W. DOUGLAS,

20 called as a witness before the Grand Jury, was duly sworn
21 as follows:

22 THE FOREMAN: You do solemnly swear that the evidence
23 you shall give in this matter now pending before the Grand
24 Jury of the County of Los Angeles shall be the truth, the
25 whole truth, and nothing but the truth, so help you God?

26 THE WITNESS: I do.
27
28

EXAMINATION

1
2 BY MR. HECHT:

3 Q Mr. Douglas, what is your business or occupation?

4 A Criminal Exhibit Custodian.

5 Q When did you first become a Criminal Exhibit
6 Custodian?

7 A September 1970.

8 Q Would I be far from wrong in my thought that
9 you were the oldest employee in terms of service?

10 A That is true in the exhibit section.

11 Q Do you recall during the course of this
12 investigation your department gave you, I believe, ten
13 questions and you were asked to fill out the answers to
14 those questions?

15 A Yes, I did.

16 Q Your department was kind enough to supply me
17 with a copy of the questions and answers and Question Number
18 One states your position and name and so forth and Question
19 Number Three is:

20 "What instructions were given you
21 in regard to interested or concerned parties
22 viewing exhibits, excluding the Sirhan case?"

23 Then the next question, and this is of interest
24 to me:

25 "What specific instructions were
26 given to you in regard to persons viewing the
27 Sirhan case exhibits?"

28 Your answer is:

"None that I can remember."

Was that an accurate answer?

A Yes, sir.

Q Is it the fact, sir, you were never given any special instructions in regard to viewing the Sirhan case exhibits?

A That's true.

Q And your answer, "None that I can remember", that is true?

A Yes.

Q What are your main duties in the clerk's office?

A I have just switched jobs, actually; I switched over to the Destruction of Exhibit Section.

Q Before you went into the Destruction position, what was your previous position?

A My main duty was checking in exhibits from Superior Court, signing for exhibits and filing guide envelopes and taking care of exhibits that came in from the branches, and to sign in for and inspect the exhibits that came in from the Municipal Court.

Q Were you ever concerned with displaying or bringing out exhibits for people who wanted to see exhibits?

A Yes.

Q And did you ever display or bring out exhibits for people who came into your clerk's office and wanted to see the original exhibits in certain cases?

A Yes, occasionally.

1 Q Did you know as you sit there that there was
2 a court order issued by Judge Walker in connection with
3 displaying the original exhibits in the Sirhan case?

4 A Yes.

5 Q Was that court order actually specifically
6 brought to your personal attention during the time you were
7 down in the clerk's office?

8 A Not that I can remember.

9 Q Have you ever seen a court order in the Sirhan
10 case?

11 A Yes.

12 Q When?

13 A I have seen it today.

14 Q Well, having in mind that today is very
15 recent, can we go back in history and can you tell me if
16 you have seen it before today?

17 A Yes; I have seen it within the last few
18 days that I remember for sure.

19 Q How about "not for sure"?

20 A I have seen the court order pertaining to
21 publicity a few weeks ago.

22 Q Would that have been Judge Alarcon's original
23 order pertaining to publicity?

24 A I'm not sure if it was his or not.

25 Q Where was it when you saw it?

26 A It was, I think Mr. Sours had it and he gave it
27 to me and he showed it to me.

28 Q Was that after, when I talked to you that day?

1 A Yes.

2 I went down there that day and then he showed
3 it to me.

4 Or, maybe, it might be it was Mr. Kenneth
5 Buckley.

6 Q But you think it was shown to you that day?

7 A Yes.

8 Q Now, was anything said about after it was
9 shown to you?

10 A Not that I can remember.

11 Q It was just given to you without comment at that
12 time?

13 A The point was that the court order was an order
14 pertaining to publicity and not pertaining to exhibits.

15 When I was talking to you, you know, and the
16 question came up whether we had seen the court order, I
17 saw it, but that was the court order, you know, that was on
18 the bulletin board and it turned out the one that was on the
19 bulletin board was the one pertaining to publicity and not
20 exhibits.

21 Q I understand it was Judge Alarcon's court
22 order?

23 A Yes, I think it would be Judge Alarcon
24 who signed it.

25 Q Did you check out the exhibits when they went
26 to the Supreme Court in January of this year?

27 A I believe it was January 12, this year.

28 Q Were you able to locate all the exhibits at that

1 time?

2 A Ones that I located at the time I marked on the
3 receipt slip with a little "X".

4 Q I sense from your answer that there were some
5 you were not able to locate?

6 A That I didn't necessarily look for it at the
7 time.

8 I didn't look for the clothing and some of the
9 large charts because the Supreme Court didn't want them.

10 Q Did you want all the exhibits you found to be
11 shipped to the Supreme Court during the month of January?

12 A Yes.

13 Q Have you ever read the court order issued by
14 Judge Walker in this case?

15 A Yes, I have.

16 Q When did you read it?

17 A The other day.

18 Q Was that the first time you read it?

19 A The first time I remember for sure reading
20 it.

21 I may have read it in the past but I don't
22 remember for sure.

23 Q Do you remember my showing it to you at the
24 time of our conversation?

25 A Yes.

26 Q That was on Wednesday, June 9, 1971?

27 A I'm not sure of the day.

28 Q Well, you recall during our conversation there

1 was a reporter there that took down the questions and
2 answers?

3 A Yes.

4 Q I have a transcription of that conversation.
5 On Page 11 I asked the question:

6 "Have you ever seen that court
7 order prior to my showing it to you today
8 right here?"

9 And your answer:

10 "I think I have run across it,
11 yes.

12 "QUESTION: Have you ever read it?

13 "ANSWER: Not that I can remember."

14 Were those the questions asked by me and the
15 answers given by you?

16 A I would assume so.

17 I don't remember for sure.

18 Q As I read to you the answers, are those answers
19 accurate answers, as you sit here today?

20 A Would you repeat the question.

21 Q Have you ever seen that order, meaning
22 Judge Walker's court order, prior to my showing it to you
23 today -- meaning the day we interviewed you on June 9,
24 1971?

25 "ANSWER: I think I've come across it,
26 yes."

27 Q Are you confusing the publicity order with
28 Judge Walker's later order?

1 A I was aware of a court order. I wasn't sure
2 what it was.

3 Q Has anyone asked you to ever see any of the
4 exhibits to the Sirhan case?

5 A Yes.

6 Q Did you ever act on a request from a person
7 to see a particular exhibit in the Sirhan case?

8 A A direct request?

9 Q Yes.

10 A I took a request from Mr. Christian but I was
11 not the first one to deal with him when I did deal with him.

12 He came to the window requesting exhibits and
13 then when I took a long period of time to look at various
14 files involved and maybe had held him up, maybe Ron or
15 Ricky took over and filled in after that.

16 Q Do you remember what Mr. Christian was looking
17 at?

18 A Well, there were files of statements of the
19 people at the Ambassador Hotel that lived there.

20 Q I show you the exhibit viewing slips that
21 have been brought to us by the supervisors of your office.

22 Could you identify those that you participated
23 in?

24 A Yes.

25 (The witness examines the witness reviewing
26 forms.)

27 Q Do you find any exhibit slips that you recog-
28 nize that has your handwriting on it?

1 A This one.

2 Q You're referring to Grand Jury Exhibit Number
3 4, involving a Mr. Floyd Parrish and there is the date of
4 November 19th in the upper left-hand corner.

5 Is that your handwriting?

6 A Yes.

7 Q How come the year doesn't appear on that
8 slip, sir?

9 A I don't know. It wasn't put on there at the
10 time.

11 Q I notice on the upper left it says "Exhibit
12 71 and 73."

13 A That is my handwriting.

14 Q What significance do those notations have to
15 you?

16 A I assume that those exhibits were looked
17 at.

18 Q From your reading of that review form, can
19 you tell us what was looked at as distinguished from what
20 was simply asked for and not looked at?

21 A No.

22 Q Were the original exhibits looked at or were
23 they copies of exhibits?

24 A I don't know. I don't remember showing the
25 exhibits.

26 Q Your recollection is then based on your hand-
27 writing on this exhibit review slip?

28 A Some of my handwriting is written on there.

1 Q Has Mr. Talmachoff ever discussed the Sirhan
2 exhibits with you at any time?

3 A I guess so.

4 Q Well, you say, "I guess so".

5 I'm trying to find if you have any specific
6 recollection or any independent recollection right now.

7 Perhaps you could tell us that?

8 A I'm not sure of it.

9 Q I ask you that because in the same conversa-
10 tion on the day that you and I had an interview on June
11 9, 1971, Page 7:

12 "QUESTION: Did Mr. Talmachoff ever
13 discuss the subject with you at any time?"

14 Your answer was:

15 "Not that I can remember."

16 Is that your answer today?

17 A Yes.

18 Q That's the way you remember it right now?

19 A Yes.

20 Q Do you remember a man who came into the
21 clerk's office on occasion and viewed the exhibits perhaps
22 with an eyepiece or some kind of scientific equipment?

23 A Yes; Mr. Harper.

24 Q Is it your impression or what was your
25 impression as to the case he was interested in?

26 A Sirhan case.

27 Q Were you involved in handling any of his
28 requests?

1 A Not myself.

2 I helped look for some of the exhibits for
3 Fayek Abdelmalak once.

4 Q Do you remember him being outside in the public
5 area, or was this under the new system inside?

6 A I think in both places.

7 Q At one time was there a missing exhibit that
8 you were wondering about and he may have talked to you
9 about?

10 A A missing exhibit?

11 Q Yes.

12 A I think that I did; I think I helped Fayek
13 look for an exhibit which he couldn't find.

14 Q Well, was it found while he was there?

15 A No.

16 Q Was it ever found?

17 A No; not that I know of.

18 It turned out it wasn't an exhibit.

19 Q You say it wasn't an exhibit?

20 A I'm not sure. I think he told me about 51-A
21 and 51-B; two different numbers and I hadn't remembered
22 that.

23 Q In any event, you recall he was on some
24 occasions looking at certain exhibits out there on the
25 Sirhan case?

26 A Harper?

27 Q Yes.

28 A Yes.

1 Q While he was there under the old procedure of
2 viewing exhibits outside, was anybody in your office with
3 him at the time?

4 A I couldn't say for sure.

5 Q You never were with him?

6 A I never was with him.

7 Q Are you telling us you can't recall that someone
8 was with him or not?

9 A That's right.

10 Q Does it ever get very crowded in there,
11 Mr. Douglas, with customers?

12 A Yes, it gets hectic sometimes.

13 Q Would it be true or probable that someone who
14 had been in this area, under the old procedure viewing
15 exhibits, would it be likely or possible that some member of
16 your office who had been in the area where people were viewing
17 exhibits may have to leave to take care of other activities
18 or other customers that might come up?

19 A It's possible that could happen.

20 Q It happens quite often, doesn't it?

21 A Yes, sir.

22 Q Did it happen in the Sirhan case?

23 A I don't know for sure.

24 Q Did you wait on someone by the name of
25 Mr. Parrish?

26 A According to the slip I did, but I don't
27 remember doing it.

28 Q That slip that you pulled out?

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A Right.

Q Grand Jury Exhibit Number 4.

Does that help refresh your recollection?

A I may not have dealt with him directly. I'm not sure, -- that was when I was fairly new in the section but I may have just taken his request at the time.

Q Well, if you took his request, can you tell me whether or not you immediately went to the guide envelope and checked to see whether or not the court order in the case permitted him to review whatever he wanted to review?

A I don't remember the man at all.

I don't remember. I didn't even remember writing that on the slip and I don't remember going to the guide envelope.

Q Would it have been your procedure if someone came up and asked you to see something in the Sirhan case, first to go to the guide envelope?

A The procedure would be to check with the supervisor, especially since I was new in the section.

Q Do you recall checking with the supervisor or anybody else in connection with Mr. Parrish's case?

A No, I don't even remember it directly but I'm inferring that I could have done that.

Q How much education have you had, sir?

A Almost two years of college, not quite.

Q To your knowledge are there others in your section that have a comparable amount of education?

A Yes.

1 Q Would it be fair to say if it had been brought
2 to your attention that there was a court order in the Sirhan
3 case restricting the access of the public, access to the
4 original exhibits in that case, and you were told of the
5 contents of the court order that you would have obeyed
6 whatever those restrictions were?

7 A Yes.

8 Q Has anyone ever asked you for your assistance
9 in obtaining an exhibit in the Sirhan case?

10 A Mr. Christian asked for some files, I remember
11 that.

12 Q How about anybody that was working on the
13 Xerox?

14 Do you recall what I have in mind?

15 A Oh, yes, yes, I do.

16 Q You're talking about a polygraph examination
17 in this matter on July 12, 1971, are you not?

18 A Right.

19 Q Did you know, or do you know that was tape-
20 recorded?

21 A I did not know it.

22 Q Let me indicate to you that it was and I have
23 a transcript made up.

24 Do you recall a conversation with the polygraph
25 operator in connection with some kind of request for Xeroxing
26 on the Sirhan case?

27 A Yes.

28 Q Will you tell the members of the Grand Jury what

1 the conversation was, please?

2 A I don't think it was the Xerox man, it was
3 a county employee who fixed machines.

4 I don't remember the exact conversation, but
5 it was very vague in my mind and I told the polygraph
6 operator that this man asked me about getting copies of
7 something in the Sirhan case.

8 I don't remember what it was.

9 It was some papers, he wanted some papers for
10 either friends or relatives of his to write a thesis about
11 it.

12 I think a friend of his was going to college
13 back in Massachusetts, I believe, and I don't know if he
14 requested it as such but he asked me if I had access and
15 that kind of thing.

16 It was very vague in my mind and it was a
17 couple of years ago.

18 Q Did you report that event to your supervisors?

19 A No.

20 Q What was your response to this request?

21 A At that time -- I'm not sure, but I said that
22 I didn't know anything about it.

23 I don't know exactly what I said but I imagine
24 it was along those lines and I didn't know anything about
25 it.

26 Q Did you participate in engaging in some kind
27 of surveillance or observation of Mr. Harper on any of the
28 occasions he went there to see the exhibits?

1 A Did I?

2 Q Yes.

3 A No.

4 Q Would it be true to say that you sort of went
5 your own way in connection with that matter?

6 A I wasn't involved, really, because I was working
7 in the back, mostly.

8 Q Did you follow fairly closely the policy of the
9 county clerk's office in showing criminal exhibits?

10 A Yes.

11 Q Has the policy been changed somewhat from
12 time to time?

13 A Yes, somewhat.

14 Q In what respect?

15 A With respect to the viewing -- when I first came
16 into the section there was an old viewing form and there was
17 no place to check his identification or anything.

18 The person just sent the form and then later
19 on they signed the form and we checked it.

20 Then we used to look out in front at the front
21 table in front of the exhibit section.

22 Later on they moved it to the back behind closed
23 doors and there was a table set up in the back.

24 Q Where were the exhibits in the Sirhan case
25 stored?

26 A Some of them were stored in the death penalty
27 locker room, 102, which is in the next building, next door,
28 in the annex, and others were stored in Room 444.

1 Q What was the difference with respect to the
2 location, do you know?

3 A In my mind the exhibits that were in 444 were
4 available to the public, and those next door were not.

5 Q Have you ever made the statement that it has
6 been not exactly clear-cut in your mind what the specific
7 policy of the county clerk's office is in respect to showing
8 criminal exhibits?

9 A Yes.

10 Q Did you make that statement to the polygraph
11 operator?

12 A Yes.

13 Q Do you recall the context of the discussion at
14 this time?

15 A No, not offhand.

16 Q May I refresh your recollection?

17 A Yes.

18 Q There was a statement by you:

19 "It's not exactly clear-cut in my
20 mind what the specific policy is, you know --
21 you know -- for instance, whether somebody views
22 exhibits, we're supposed to stand eyeball to eyeball
23 with them -- or whether it's okay for you to let him
24 see it, you know.

25 "There is five paper exhibits and somebody
26 looks at them -- and then you count them back in after-
27 wards, or -- you know.

28 "It's not clear-cut in my mind about the
29 policy."

1 Was that your statement in substance?

2 A I believe so.

3 Q Was it a true statement?

4 A Yes.

5 Q Was it, in fact, true that you were not clear

6 about the policy of the clerk's office, if, in fact, there was

7 one, in connection with the showing of criminal exhibits?

8 A Yes.

9 Q That was true?

10 A Yes.

11 Q Who trained you, Mr. Douglas, down there?

12 Let me ask you this; have you had any training

13 down there?

14 A Well, when I first came into the section I was

15 shown the different procedures.

16 Q Who trained you?

17 A Well, I think Gary Hairston did partially and

18 maybe Frank Lee.

19 Q Did you ever consider it important to get

20 clarified what the policy was as to whether you were supposed

21 to stand there and watch the person or whether you were

22 supposed to go on your own way and then just collect the

23 exhibits when they were finished with them?

24 A I can't answer that right now.

25 Q Did you ever have a man down there by the name

26 of Winston?

27 A Yes.

28 Q What is his last name?

1 A Battle.

2 Q Winston Battle?

3 A Yes.

4 Q Did he ever make a statement to you in
5 connection with the possibility of sabotaging the clerk's
6 office?

7 A He may have said something like that in
8 passing.

9 Q Do you recall that you mentioned that when
10 the polygraph examiner was questioning you?

11 A Yes.

12 Q Do you want to tell us what your recollection
13 is of that conversation with Mr. Battle in passing?

14 A I really -- I don't have any -- I can't exactly
15 think of the context or anything now -- I didn't consider it,
16 I mean, you know, I didn't consider it meaningful, as far
17 as seriousness.

#14

18 Q But you did make that statement to the polygraph
19 operator?

20 A Yes.

21 Q All right.

22 The statement you made is:

23 "It's just, well, I just -- I don't
24 remember the context or anything but he said if
25 such and such happened he would sabotage the
26 place."

27 Have I quoted you accurately?

28 A Yes.

1 Q And that is about as much as you can recall
2 about this conversation?

3 A Yes.

4 Q Do I understand that you did not take that
5 statement by him seriously?

6 A Yes, that's right.

7 Q Do you feel it was just griping on his part?

8 A That would be a way to put it, I guess.

9 Q In connection with the Sirhan case, have you
10 ever received any specific instructions from any of the
11 supervisors in the Clerk's Office with respect to how
12 requests were to be handled, should someone want to see
13 the original exhibits in that case?

14 A Let's see, after this investigation started --

15 Q Let's talk in terms before the investigation
16 started, if we may.

17 A No, not that I can remember.

18 Q Have any written instructions been given you
19 specifically setting forth how Judge Walker's order was to
20 be complied with?

21 A Written instructions?

22 A Yes.

23 A I don't think so.

24 Q Did Mr. Talmachoff or any of the supervisors
25 in the Clerk's Office tell you that any original exhibits
26 could be looked at in the Sirhan case without a court order
27 granting such permission?

28 A Not that I remember offhand, but copies were

1 always available and the originals were not in 444.

2 Q When did you receive that instruction and that
3 information?

4 A I don't remember specifically.

5 I know it was written on the box, for one
6 thing, that it was stored in, "These are for public
7 viewing."

8 That's about all I can remember was on it.

9 Q Do you recall if you remember if Mr. Harper
10 came in with more people than just himself?

11 A I don't remember it. It's been mentioned that
12 he has been, but I don't remember that.

13 Q Let's talk in the abstract about occasions when
14 more than one person came to see exhibits in the same case
15 and they are together.

16 A All right.

17 Q Say five people all came up in one group, I
18 take it they all do not have to place their names on the
19 exhibit viewing slip?

20 A They do now, that's required by the new
21 policy instituted within the past two weeks.

22 Q I take it previously only one person had to
23 identify himself; is that right?

24 A That's right.

25 Q And you have no way of knowing who the other
26 persons are, do you?

27 A No.

28 Q You don't know if any of these other unidentified

1 people could be police officers?

2 A No.

3 Q It could be a defendant who is on bail?

4 A Yes.

5 Q It could be anybody, a policeman, a defendant,
6 a prosecutor?

7 A It could be.

8 Q It could be someone who was emotionally dis-
9 turbed who might take things?

10 A That is a possibility, of course.

11 Q Is it possible that an exhibit clerk who obtains
12 exhibits for a person who has asked to look at them, could be
13 called away, or would be called away to answer the telephone
14 or help somebody else out, leaving no one from the Clerk's
15 Office with the person actually viewing the exhibit?

16 A That's possible.

17 Q Does that situation occur quite often?

18 A It occurs, yes.

19 Q One of the Grand Jurors would like you to
20 clarify your testimony concerning the missing exhibit that
21 you referred to, the one that turned out not to be an
22 exhibit.

23 Do you recall your testimony in that regard?

24 A Yes.

25 Q Could you clarify that?

26 A Evidently Mr. Harper was looking for Exhibit
27 51-A and 51-B and Fayek Abdelmalak was looking for them, and
28 he couldn't find them, and he asked me if I could help him

1 look for them. I helped look.

2 There was a lot of stuff back in Room 444,
3 and we couldn't find it.

4 Q Was it in fact an exhibit?

5 A I don't believe so.

6 Q Why don't you think so?

7 A Later on, I happened to see that it wasn't on
8 the list.

9 Q You looked on the exhibit list?

10 A Yes, and I don't remember it being listed.

11 Q Did you notify Mr. Buckley whenever a person
12 requested to view a Sirhan exhibit?

13 A Since the time that Mr. Buckley has been there,
14 I don't think I've ever gotten a direct request.

15 Q Have you ever received instructions from
16 Mr. Buckley that he was to be notified whenever a person
17 requested to view an exhibit in the Sirhan case?

18 A It was implied that you go to the supervisor.

19 That was in my mind, but I don't remember any
20 specific instruction offhand.

21 Q As it relates to the security of the documents
22 and the other exhibits in the Clerk's Office, how would you,
23 in all candor, characterize the housekeeping pattern of the
24 Clerk's Department regarding the exhibits?

25 I'm asking not as it exists today, but as it
26 existed before some new procedures within the past two or
27 three weeks have been instituted.

28 A I would say it's much improved today, and that

1 there was room for improvement before.

2 Q In your opinion, would it be possible for a
3 person who had requested to view exhibits in any criminal
4 case, to walk off with such an exhibit unnoticed by an
5 employee?

6 A Possibly so, and I think it happened once.

7 Q Do you recall when?

8 A No, I don't know offhand.

9 MR. HECHT: I have nothing further.

10 THE FOREMAN: Any further questions from any member of
11 the Grand Jury. If so, please write them out and they will be
12 directed to the witness through the Deputy District Attorney.

13 Apparently there are none.

14 I'd like to caution you not to discuss or impart
15 at any time, outside of this jury room, the questions that
16 were asked of you in regard to this matter, or your answers,
17 until authorized by this Grand Jury or the Court to discuss
18 or impart such matters.

19 You will understand that a violation of these
20 instructions on your part may be the basis for a charge
21 against you of contempt of court.

22 Do you understand that?

23 THE WITNESS: I do.

24 THE FOREMAN: Thank you for coming in.

25 (Thereupon, the witness, Kenneth W. Douglas, was then
26 escorted from the Grand Jury Hearing Room by the Sergeant At
27 Arms.)

28 THE FOREMAN: We will recess now until 10:00 o'clock

1 tomorrow morning.

2 (Whereupon, an adjournment was taken until Wednesday,
3 August 18, 1971, 10:00 o'clock A. M.)

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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, AUGUST 18, 1971

2 10:00 A. M.

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4
5 THE FOREMAN: The record will show the court reporter
6 is present and the Grand Jury has reassembled.

7 The Secretary may call the roll.

8 (Thereupon, the Secretary complies with the Foreman's
9 request.)

10 THE SECRETARY: There are twenty-one Grand Jurors
11 present.

12 THE FOREMAN: Let the record show the same twenty-one
13 Grand Jurors are present, having been present since the
14 inception of this matter.

15 You may proceed, Mr. Hecht.

16 MR. HECHT: May we have Joyce Shannon, please.

17 (Thereupon, the witness, Joyce M. Shannon, was then
18 escorted into the Grand Jury Hearing Room by the Sergeant
19 At Arms.)

20
21
22 JOYCE M. SHANNON,
23 called as a witness before the Grand Jury, having been
24 previously duly sworn, was recalled, examined and testified
25 further as follows:
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EXAMINATION (CONTINUED)

1
2 BY MR. HECHT:

3 Q Please state your name again.

4 A Joyce M. Shannon.

5 Q Did you receive a telephone call this morning?

6 A Yes, I did.

7 Q And was it from someone who presented himself
8 as a Mr. Floyd Nelson?

9 A Yes.

10 Q Would you tell the members of the Grand Jury
11 the contents of that conversation?

12 A Mr. Nelson said that a Mrs. Lillian Castellano
13 had a heart attack in front of her home when he stopped to
14 pick her up and he had taken her to the Hollywood Receiving
15 Hospital and that's where he was calling from.

16 MR. HECHT: I offer this in explanation for the
17 failure of Mrs. Castellano to appear at this time. I'm not
18 sure when she will be able to appear but I would like the
19 record to reflect Mrs. Shannon's testimony in that regard.

20 THE FOREMAN: She has testified and it will be in
21 the record.

22 Thank you, Mrs. Shannon; you need not wait any
23 further and I'm sure I don't have to inform you about the
24 necessity of secrecy of your testimony before this Grand
25 Jury.

26 (Thereupon, the witness, Mrs. Joyce Shannon, was then
27 escorted from the Grand Jury Hearing Room by the Sergeant At
28 Arms.)

1 MR. HECHT: At this time I will read into the record
2 Grand Jury Exhibit 40, the Court Order of Judge Walker.

3 (Reading:)

4 "SUPERIOR COURT OF THE STATE OF CALIFORNIA

5 "FOR THE COUNTY OF LOS ANGELES

6 "THE PEOPLE OF THE STATE OF CALIFORNIA,

7 "Plaintiff,

8 "versus

9 "SIRHAN BISHARA SIRHAN,

10 "Defendant.

11 "Number A-233,421

12 "ORDER GOVERNING THE INSPECTION AND REPRODUCTION
13 OF EXHIBITS.

14 "To insure the preservation of the exhibits
15 introduced into evidence in the above-entitled case,
16 pending final determination by the appellate courts,
17 the exhibits are not to be made available for inspec-
18 tion by interested members of the public save upon
19 Order issued by the Superior Court for good cause
20 shown. Counsel of record are permitted access to the
21 exhibits without the necessity of obtaining a court
22 order.

23 "The Office of the County Clerk is ordered to
24 prepare copies of all documentary evidence and to
25 prepare photographic representations of other real
26 evidence which are to be available for inspection by
27 interested members of the public at the Office of the
28 County Clerk, Criminal Division, located on the Fourth

1 Floor of the Los Angeles County Hall of Justice.

2 The County Clerk is authorized to make reproductions
3 of documentary evidence and reproductions of photo-
4 graphs of other real evidence which may be obtained
5 by members of the public upon application to the
6 County Clerk and payment of the statutory fees, with
7 the following exceptions:

8 "1. People's Exhibits 81, consisting of 166
9 photographs, and People's Exhibit 82, consisting of
10 123 photographs, were marked for identification only
11 and were not received or considered as evidence at the
12 trial. Therefore, it is ordered that these exhibits
13 are not to be reproduced in any fashion.

14 "2. Defendant's Exhibit H (a handbook
15 entitled Cyclomancy); defendant's Exhibit I 1-14 (14
16 books); defendant's Exhibit J (Rosicrucian Digest);
17 defendant's Exhibit K (Neophyte Monograph); defendant's
18 Exhibit L (Neophyte Monograph) and defendant's Exhibit
19 M (Neophyte Monograph) will not be duplicated by the
20 County Clerk for public inspection. However, the
21 exhibits may be reviewed upon court order as above
22 provided. The exhibits enumerated in this paragraph
23 are protected by the copyright laws of the United
24 States, and for that reason the County Clerk is
25 ordered not to reproduce them in whole or in part.

26 "3. People's Exhibit 101 (a book entitled
27 Casebook of a Crime Psychiatrist) may be inspected
28 upon court order for good cause shown. This exhibit

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is also protected by the copyright laws of the United States and the County Clerk is ordered not to reproduce the same in whole or in part.

"4. Copies of People's Exhibits 93, 95, 96 and 97 (tape recordings of custodial interviews with the defendant), and People's Exhibit 114 (tape recordings of psychiatric interviews with the defendant), are not to be reproduced except upon order of the court for good cause shown and at the expense of the petitioner.

"The reproduction of any exhibits under the conditions heretofore provided in this Order is to be made exclusively by the Office of the County Clerk, subject to such security precautions as he may deem necessary and as may be provided by further order of this Court.

"DATED this 20th day of May, 1969.

"HERBERT V. WALKER

"Judge of the Superior Court

"County of Los Angeles."

MR. HECHT: I'll call Alice Nishikawa.

(Thereupon, the witness, Alice Nishikawa, was then escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

ALICE NISHIKAWA,
called as a witness before the Grand Jury, was duly sworn,
as follows:

1 THE FOREMAN: You do solemnly swear that the evidence
2 you shall give in this matter now pending before the Grand
3 Jury of the County of Los Angeles shall be the truth, the
4 whole truth, and nothing but the truth, so help you God?

5 THE WITNESS: I do.
6
7

8 EXAMINATION

9 BY MR. HECHT:

10 Q Mrs. Nishikawa, what is your business or
11 occupation, please?

12 A Superior Court Clerk.

13 Q How long have you been so employed?

14 A Approximately 11 years.

15 Q Now, directing your attention to the case of
16 People versus Sirhan Bishara Sirhan, does that case ring any
17 bell with you?

18 A Yes, it does.

19 Q In what respect?

20 A Well, it was quite a lengthy case and it was a
21 case of international interest and I was the Court Clerk
22 during that case.

23 Q Was that case held in Judge Walker's court?

24 A Yes.

25 Q And you were working as Judge Walker's Court
26 Clerk at that time?

27 A Yes, sir, I was.

28 Q Mrs. Nishikawa, I invite your attention to

1 Grand Jury Exhibit Number 40, which purports to be a 3-page
2 document, an Order governing the inspection and reproduction
3 of exhibits, signed by Judge Herbert V. Walker.

4 Do you recognize that document?

5 A Yes, I do.

6 Q Was that Order signed at the conclusion of the
7 trial or after the sentencing?

8 A Yes, it was.

9 Q Were you present in Judge Walker's chambers
10 several days before -- actually I think it was Judge Loring's
11 chambers when Judge Walker was there and Judge Loring, Robert
12 Houghton, David Fitts, Emory Hatcher, Peter Talmachoff and
13 Vesta Minnick were present?

14 A Yes.

15 I was at the conference.

16 Q You were present at that conference?

17 A Yes.

18 Q Subsequent to that conference was a court order
19 issued?

20 A Yes, it was.

21 Q And that's Judge Walker's Court Order,
22 Exhibit Number 40?

23 A Yes, sir; I believe that Order came out from
24 that conference.

25 Q Can you tell me what your participation was,
26 if any, in the handling of the Court Order after Judge Walker
27 signed it?

28 A Absolutely nothing.

1 I just filed it.

2 Q When you say "I filed it", did you receive it
3 from the Judge?

4 A Yes.

5 Q When you say, "I filed it", what do you mean?

6 A I placed the file stamp on it and then placed
7 the original in the file.

8 Q Did you at any time make any effort to tell
9 Mr. Talmachoff there was such a court order?

10 A Not to my knowledge because I believe that
11 order was distributed by someone else, other than myself
12 and I don't recall -- I don't distinctly remember this phase
13 of it.

14 Q Did you ever discuss the existence of that
15 Court Order with Mr. Talmachoff or anyone else in the
16 Clerk's Office?

17 A No; I had no reason to.

18 Q When you say you had no reason to, were you
19 satisfied at that time that the people that should have had
20 notice of the existence of that Court Order were going to
21 get such notice or had such notice?

22 A That would have been my assumption; yes, sir.

23 Q Have you ever determined whether that
24 assumption was correct or not?

25 A No, I have never explored that area.
26 I didn't think it was within my province.

27 Q During the course of the trial you acted as
28 the custodian of the exhibits that were actually introduced

1 into evidence?

2 A I did.

3 Q And in what way were the exhibits protected
4 safeguarded during the course of the trial by you?

5 A Well, we had a special lock installed on the
6 file cabinet. I believe there is a metal strip that goes
7 down the center of the file cabinet, a four-drawer file
8 cabinet and we had a special cabinet installed in the court-
9 room for the safety of the exhibits.

10 Later on, certain exhibits were kept in
11 chambers -- in Judge Walker's chambers' closet where we had
12 a lock on a chain and the only two people who had the key
13 to the closet were myself and the Judge.

14 Q Would you characterize the security provisions
15 that you took as being somewhat unique, based on your
16 experience in the Clerk's Office for many years?

17 A Oh, yes, sir.

18 Q Was there, in fact, a continuing interest in
19 the security of the exhibits during the course of the
20 trial?

21 A Absolutely.

22 Q After the case was over, what happened to
23 the exhibits, insofar as your personal operation and involve-
24 ment was concerned?

25 A Well, I think I checked to see whether or not
26 all of the exhibits were in order, that all the exhibits were
27 there as presented and marked.

28 Then I called the County Clerk's Exhibit Room

1 to have a messenger come up and pick up the exhibits because
2 there were so many exhibits that I could not have handled
3 them myself, and they came up and made two trips.

4 Q Where did you anticipate those exhibits would
5 be taken?

6 A Taken down to the County Clerk's Office
7 vault.

8 Q That is on the 4th Floor of this building
9 here?

10 A Yes.

11 Q During the course of the trial or any of the
12 motions which were a corollary part of the proceedings, do
13 you recall the document on which you may have made notations
14 as being 71-Alternate?

15 When I say that you made notations, I don't
16 mean on the document but merely some indications or numbering
17 of the documents that occurred during the proceeding?

18 A Yes, that's correct.

19 Q Did you bring any documents with you?

20 A I have a listing of all of the exhibits that
21 were introduced and marked for identification and received
22 into evidence.

23 I have that list with me.

24 Q That is the listing that you and I discussed a
25 few days ago when I came to see you?

26 A Yes, sir.

27 Q Is there any reference in that listing to
28 71-A or 71-Alternate?

1 A 71-Alternate is an exhibit containing photo-
2 copies of People's 71 and 72; I believe that's what it was.

3 Q Do your notes indicate at what time the exhibit
4 71-Alternate came to the Court's attention or counsels'
5 attention or was discussed?

6 A That was marked for identification on March
7 the 5th.

8 Q Would that have been in connection with a
9 particular motion?

10 A No, I believe that alternate was to be marked
11 for identification only and to be returned to the Los Angeles
12 Police Department at the conclusion of the trial.

13 We also, as I recall now, we had another
14 duplicate, a complete set of the exhibit 71 for the purpose
15 of sending it up to the jury room during deliberations
16 inasmuch as the Court did not want the originals to go to
17 the jury room.

18 Q Do you know what became of the copy that was
19 sent to the jury room for use by the jury during the
20 deliberations during the case?

21 A That was sent down to the County Clerk's
22 Office.

23 Q Do you know what became of the document
24 71-Alternate that you earlier made reference to?

25 A That was returned to the Los Angeles Police
26 Department.

27 Q I direct your attention to Grand Jury Exhibit
28 Number 52, and I've asked you to look at the document, paying

1 particular attention to the upper right-hand corner where
2 there appear to be some notations in some kind of red pen
3 or red ink notations.

4 Have I described that accurately?

5 A That's correct.

6 Q In the first place, do you recognize, in
7 general, the document that I've shown you?

8 A Yes.

9 Q And what is that document?

10 A This is the Sirhan notebook which was marked
11 as People's Exhibit 71.

12 Q Does it appear to be the original notebook?

13 A This is a copy of the notebook.

14 Q Do you recognize the handwriting in the upper
15 right-hand corner?

16 A That's my handwriting.

17 Q Can you tell us the circumstances which led
18 you to place your handwriting in the upper right-hand corner
19 of those pages?

20 A To the best of my recollection that was the
21 copy that was sent up to the jury room at the time of the
22 deliberations.

23 Q Who prepared this copy from the original?

24 A I believe it was prepared by the District
25 Attorney's Office or the Los Angeles Police Department.

26 I don't recall who, but I know someone did
27 prepare it.

28 Q In any event, at the time it came into your

1 possession, prior to being sent to the jury, did you satisfy
2 yourself it was a complete copy by comparison with the
3 original?

4 A Of course, that was the reason why it is so
5 marked.

6 Q The marks "Front cover", "Back cover", and the
7 pages that you made notations on there, you did that your-
8 self?

9 A Yes.

10 Q Do you find pages 4 and 6?

11 A Yes.

12 Q Are they so labeled by you?

13 A Yes.

14 Q I show you another document, Grand Jury Exhibit
15 Number 50.

16 Do you recognize what Grand Jury Exhibit Number
17 50 is?

18 A That is People's 71.

19 It's a copy of the original, People's 71.

20 Q For the sake of clarity does it appear to be
21 a copy of the original exhibits, People's 71?

22 A Yes, it does.

23 Q And does it contain your handwriting or at
24 least what appears to be photographic copies of the same
25 handwriting notations made by you on Grand Jury Exhibit Number
26 52?

27 A That's correct.

28 Q Now, do you recognize the exhibit tag or the

1 copy of the exhibit tag that appears on the first page of
2 the cover of Grand Jury Exhibit Number 50?

3 A Yes; that is my handwriting.

4 Q You are satisfied that is your handwriting,
5 ma'am?

6 A Yes.

7 Q Do you have any knowledge of ever seeing this
8 document before, Grand Jury Exhibit Number 50, during the
9 course of the trial or during the course of any of the
10 motions, as I have indicated, which occurred preceding the
11 trial?

12 A Yes.

13 Q Do you have any recollection of seeing that
14 document in connection with any motions made in the Sirhan
15 case?

16 A I saw the original of that during the motion
17 to suppress.

18 Q Did the original, to your knowledge, contain
19 pages 4 and 6?

20 A Yes, it did.

21 Q I may have asked you this before,
22 Mrs. Nishikawa, but at the risk of being redundant because
23 the point is reasonably important, would you tell us why
24 you wrote the notations on the copy that was sent to the
25 jury?

26 I couldn't understand what you meant by
27 that.

28 A To the jury room?

1 Q Let me rephrase the question.

2 Can you tell us why you made these notations
3 in the upper right-hand corner of each page on Grand Jury
4 Exhibit Number 52?

5 A That was for the purpose of keeping all the
6 pages as it was in the original notebook.

7 Q Do you recall at the time you made those
8 notations in Grand Jury Exhibit Number 52 that it was bound
9 together in any way or were they in loose form?

10 A I think I'm in error.

11 I think this exhibit 50 is the one that went to
12 the jury room inasmuch as it has my tag as having been marked
13 in evidence.

14 Q All right; let's take it from there.

15 A This was another copy that was submitted to the
16 court, for what purpose I don't recall now.

17 Q When you say "this", are you referring to
18 Grand Jury Exhibit Number 52?

19 A Yes.

20 Q Are you telling us, for the sake of clarity,
21 that Grand Jury Exhibit Number 50 was the one that was sent
22 to the jury?

23 A Yes.

24 Q You recognize that fact because of what
25 reason?

26 A Because it has the exhibit tag.

27 Q All right; turning now to Grand Jury Exhibit
28 Number 52, you recognize that as being the document you made

1 those notations on, in the upper right-hand corner?

2 A Yes.

3 Q Would you tell us again what you believe
4 Grand Jury Exhibit Number 52 was for or was used for during
5 the course of the Sirhan trial?

6 A I don't know that it was used at all.

7 This was just another copy and I think I,
8 in turn, marked that as I did with Grand Jury Exhibit Number
9 50.

10 Q All right; when you marked the copy that is
11 Grand Jury Exhibit Number 52, did you mark the pages in
12 sequence?

13 A Yes.

14 Q Did you find all the pages to be there by
15 comparing it with the original?

16 A Yes.

17 Q You satisfied yourself that they were all
18 there and numbered sequentially?

19 A Yes.

20 Q And you did that at the time during the course
21 of the trial?

22 A Yes.

23 Q All right; let me call your attention to Grand
24 Jury Exhibit Number 52 and ask you if you find pages 4 and 6
25 in that document?

26 A Yes; 4 and 6 are here.

27 Q It is your understanding that both of these
28 items, Grand Jury Exhibit Number 52 and Grand Jury Exhibit

1 Number 50 were ultimately sent along with the exhibits to
2 the exhibit custodian clerk to the 4th Floor of the Clerk's
3 Office in this building?

4 A Yes.

5 Q Now referring back, I will refer to it as
6 People's Exhibit 71, the one used in the course of the
7 trial which is one of the Sixhan notebooks, it is your
8 recollection that a 71-Alternate was returned, in fact, to
9 the Los Angeles Police Department?

10 A I believe that is correct.

11 I believe that is covered in my Minutes and I'm
12 quite sure that it was returned.

13 MR. HECHT: I have nothing further.

14 THE FOREMAN: Any questions to be directed to this
15 witness?

16 Apparently not.

17 I'd like to caution you not to discuss or impart
18 at any time, outside of this jury room, the questions that
19 were asked of you in regard to this matter, or your answers,
20 until authorized by this Grand Jury or the Court to discuss
21 or impart such matters.

22 You will understand that a violation of these
23 instructions on your part may be the basis for a charge
24 against you of contempt of court.

25 Do you understand that?

26 THE WITNESS: I do.

27 (Thereupon, the witness, Alice Nishikawa, was then
28 escorted from the Grand Jury Hearing Room by the Sergeant

1 At Arms.)

2 MR. HECHT: Mr. Howard.

3 (Thereupon, the witness, John E. Howard, was then
4 escorted into the Grand Jury Hearing Room by the Sergeant
5 At Arms.)

6
7
8 JOHN E. HOWARD,
9 recalled as a witness before the Grand Jury, having been
10 previously duly sworn, was examined and testified further
11 as follows:

12
13
14 EXAMINATION (CONTINUED)

15 BY MR. HECHT:

16 Q Mr. Howard, you testified before the Grand
17 Jury on Monday?

18 A Yes, I did.

19 Q Now, have you had occasion to refresh your
20 recollection with reference to the condition of Mr. Sirhan's
21 gun at the time it was recovered by the Los Angeles Police
22 Department?

23 A Yes, I have.

24 Q Can you tell us in what way your recollection
25 has been refreshed?

26 A I reviewed the transcript of the preliminary
27 examination and the police report refreshed my recollection
28 that at the time the gun was transferred to the custody of the

1 Los Angeles Police Department eight spent bullets were in the
2 gun.

3 There were eight casings, I guess you would
4 call it that and there were no live rounds in the gun.

5 Q Did you, in fact, review the trial transcript
6 further?

7 A Yes.

8 MR. HECHT: All right; I have nothing further.

9 THE FOREMAN: Any questions?

10 Apparently not.

11 There is no need to give you the secrecy
12 admonition, sir.

13 (Thereupon, the witness, John E. Howard, was then
14 escorted from the Grand Jury Hearing Room by the Sergeant
15 At Arms.)

16 MR. HECHT: Mr. Harper.

17 (Thereupon, the witness, William W. Harper, was then
18 escorted into the Grand Jury Hearing Room by the Sergeant At
19 Arms.)

20
21
22 WILLIAM W. HARPER,
23 called as a witness before the Grand Jury, was duly sworn as
24 follows:

25 THE FOREMAN: You do solemnly swear that the evidence
26 you shall give in this matter now pending before the Grand
27 Jury of the County of Los Angeles shall be the truth, the
28 whole truth, and nothing but the truth, so help you God?

1 THE WITNESS: I do.

2
3
4 EXAMINATION

5 BY MR. HECHT:

6 Q Mr. Harper, what is your business or occupation?

7 A I am a consulting criminalist.

8 Q May we have your home address?

9 A 615 Prospect Boulevard, Pasadena, California.

10 Q Do you have a telephone number there?

11 A Yes, I do.

12 Q May we have it, please?

13 A 681-9222.

14 Q Mr. Harper, I show you Grand Jury Exhibit Number
15 47, does that appear to be a photograph of yourself?

16 A Yes; I'm sorry to say that it does.

17 Q It's not a very good one and I apologize, but
18 I want to establish the connection.

19 A Yes; it is undoubtedly me.

20 Q Mr. Harper, are you familiar with the case of
21 Sirhan Bishara Sirhan?

22 A Yes, sir.

23 Q Did you testify during the course of the Sirhan
24 trial?

25 A No, I did not.

26 Q During the course of that trial had you been
27 hired by any attorney purporting to represent the defendant
28 in order to make any investigation whatsoever?

1 A No, no.

2 Q Subsequent to Mr. Sirhan's conviction in the
3 Superior Court in this building, did you have occasion to
4 visit the County Clerk's Office in connection, to see
5 certain items of evidence that were introduced in the Sirhan
6 trial?

7 A Yes.

8 Q Can you tell us how many times you have come
9 to this building and gone to the 4th Floor to examine evidence,
10 if you recall?

11 A Well, I would estimate somewhere on the order
12 of 12 to 15 times.

13 Q When you went down each time to the Clerk's
14 Office, were you required to fill out any particular form?

15 A Yes.

16 Q And did you, in fact, fill out a form each
17 time you came to the Clerk's Office?

18 A Yes.

19 Q In the Sirhan case?

20 A Yes, I did.

21 Q I invite your attention to Grand Jury Exhibit
22 Number 18, just for the purpose of illustration; it is an
23 enlarged photograph of the original document.

24 Was that the kind of form that you were asked
25 to fill out?

26 A Yes.

27 Q Were you ever asked to fill out any other kind
28 of form in connection with seeking to review the evidence or

1 copies of the evidence in the Sirhan case?

2 A No.

3 Q I direct your attention to the case of People
4 versus Jack Kirschke.

5 Does that case name sound familiar to you?

6 A Yes, it does.

7 Q Did you testify during the Kirschke trial?

8 A Yes, I did.

9 Q Did you testify as a defense witness?

10 A Yes.

11 Q And subsequent to the Kirschke trial, did you
12 also come down to the County Clerk's Office, more specifically,
13 to the 4th Floor of this building, to look at certain evidence
14 that was introduced in the Kirschke trial?

15 A Yes.

16 Q On how many occasions did you come down to the
17 Clerk's Office?

18 A Well, quite a number of times. I can't recall.
19 I was up there many times with defense counsel, Mr. Ramsey,
20 towards the end of the trial and then subsequent times.

21 Q Restricting your answer to those times that
22 you were there after the end of the trial without Mr. Ramsey or
23 any other defense attorney; approximately how many times were
24 you there?

25 A I would say around 12 to 15 times.

26 Q And each time you came in order to look at
27 certain items of evidence in the Kirschke case after that case
28 had been concluded, insofar as the verdict was concerned; were

#15

1 you also asked to fill out the same kind of form that appears
2 in front of you now?

3 A Yes, sir, that's right.

4 Q Was the form you were asked to fill out any
5 different in any radical aspect from the form you are now
6 looking at now?

7 A Well, during the days I was in there in
8 connection with the Kirschke case, and I was going there in
9 the Sirhan case, I think this is the identical form on each
10 occasion.

11 Q During the time that you went to the Clerk's
12 Office in connection with your interest in the evidence,
13 certain evidence in the Sirhan case, did you at any time
14 have a court order authorizing you to inspect the original
15 exhibits?

16 A No, I never personally had a court order.

17 Q Were you ever aware of the fact that Judge Walker
18 had issued a court order laying down certain restrictions in
19 connection with the availability of the original exhibits to
20 members of the public?

21 A Well, I'm not sure that I knew there was Judge
22 Walker's order, but I have heard some conversation in the
23 Clerk's Office that there was a court order laying down
24 certain restrictions and, as a consequence of that, I got a
25 letter from Mr. Shibley, one of the appeal attorneys for
26 Mr. Sirhan, and I had Mr. Shibley mail that to Mr. Sours and
27 he provided me with a copy of it.

28 I know that after I received that letter and

1 had gone to the Clerk's Office, they apparently had a vague
2 recollection of checking that letter against some court order,
3 but I didn't know at that time it was Judge Walker's Court
4 Order.

5 Q Do you know whether it was Judge Walker's
6 Order, or Judge Alarcon's Order?

7 A No, I don't.

8 Q You said they were checking. Was that done in
9 your presence?

10 A Not really.

11 The exhibit clerk had taken it to, I guess,
12 well, Mr. Sours had a copy of my letter from Mr. Shibley.

13 I recall the letter was to Mr. Sours, and I
14 had a copy of the letter.

15 The exhibit clerk and Mr. Sours, as I recall,
16 were reading some document and it probably was the court order,
17 but whose court order, I don't have any idea.

18 Q What were the circumstances that led up to your
19 going to see Mr. Shibley to have him prepare that letter?

20 A I didn't go to see Mr. Shibley.

21 I just called him on the phone.

22 Q Can you tell us that telephone conversation, as
23 best you can recall now?

24 A I had talked to Mr. Grant Cooper previously and
25 he knew that I wanted to make examinations of some of the ex-
26 hibits of the Sirhan case, and he said, "Well, why don't you
27 call George Shibley?"

28 He said, "Well, why don't you call George Shibley?"

1 Go down and talk to him. You can call Mr. Shibley and
2 get a letter from him."

3 So I just called Mr. Shibley on the phone
4 and told him what the problem was.

5 Q Would you tell us what you told him?

6 A Well, I told him I wanted to see the exhibits
7 in the Sirhan case and as far as I recall, I couldn't begin
8 to repeat word for word, but that was essentially what I
9 said to him.

10 Q Did you tell him why you wanted to see the
11 original exhibits in the Sirhan case?

12 A Well, I'm not sure I did. I suppose I did.

13 Q What did you tell him in that regard; what
14 do you believe you told him in that regard?

15 A I had become interested in the Sirhan case
16 many months before that time and I wanted to go in and take
17 pictures of the bullet in the kidney and that is what I
18 undoubtedly told Mr. Shibley because that's what I told
19 Mr. Cooper.

20 Q For the record, to your knowledge, was
21 Mr. Cooper one of the attorneys who was representing
22 Mr. Sirhan during the course of the trial?

23 A Yes, I know that Mr. Cooper had represented
24 Mr. Sirhan during the trial, yes.

25 Q Had Mr. Shibley at or about the time he gave
26 you the letter, was there any fee discussion with you in
27 connection with your going down and your examining some of
28 the evidence in the Sirhan case?

1 A Was there any what?

2 Q Any fee arrangements?

3 A No, there were no fee arrangements.

4 Q I take it, then, there was no fee or monetary
5 arrangements between you and Mr. Shibley?

6 A No, there has not been.

7 Q During that conversation with Mr. Shibley did
8 you indicate you would supply him with a full report of what
9 your findings were?

10 A No. your

11 Q Was it/ intention to supply him with a full
12 report of what your findings were?

13 A No.

14 Q Would you tell us, please, is the name
15 Mr. Luke McKissack familiar to you?

16 A No.

17 Q Were you aware of any relationship between
18 Mr. Shibley and Mr. Luke McKissack at the time you called
19 Mr. Shibley?

20 A I learned that he was associated as an appeal
21 attorney.

22 Q For Mr. Sirhan?

23 A For Mr. Sirhan, yes.

24 Q Would it be fair to say in all candor you were
25 simply making a request of Mr. Shibley that he honored,
26 by issuing the letter, that ultimately found its way into the
27 possession of the Clerk's Office, that you were simply making
28 a request to Mr. Shibley to accommodate you?

1 A Yes.

2 Q Were you at any time employed as an investigator,
3 either before or during or after the Sirhan case by any of the
4 defense attorneys or by the defendant himself in the Sirhan
5 case?

6 A Never.

7 Q During the times that you have come to the
8 Clerk's Office downstairs, after Mr. Shibley sent the letter,
9 did you bring anyone else with you on any of those
10 occasions?

11 A Yes, I did.

12 Q On approximately how many occasions,
13 Mr. Harper?

14 A Well, make it five or six occasions.

15 Q Do you recall, as you sit here now the maximum
16 number of people that came with you on any one particular
17 occasion in connection with your looking at or inspecting any
18 of the Sirhan exhibits?

19 A Well, the maximum number that came with me at
20 any time was one, except for an occasion Dr. Noguchi and two
21 of his associates came up to the Clerk's Office merely to take
22 a look at the camera that we were using for the bullet
23 photography.

24 Q Are you telling us at one time the maximum
25 number of people was two, you and someone else?

26 A Normally two, but, usually, it would be just
27 one.

28 Colonel Robertson was with me on three or four

1 occasions.

2 My wife actually came down to help me carry some
3 gear but she didn't participate in any examinations.

4 On another occasion my son also came down for
5 some reason.

6 I think it was about three or four times that
7 Colonel Robertson was there with me but it was only one time
8 that he was there with me that we actually worked on the
9 exhibits.

10 Q Insofar as the maximum number of people that
11 were in your party when you examined the exhibits, what was
12 the maximum that you recall now?

13 A Well, let's see; Colonel Robertson, Dr. Noguchi
14 and two of his associates whose names I don't know.

15 Q That would be four?

16 A Yes; I think that would be the maximum.

17 Q Did you at any time ever represent to anybody
18 in the Clerk's Office that you had been hired by Mr. McKissack
19 or Mr. Shibley in connection with your desire to see the
20 Sirhan exhibits?

21 A No.

22 Q Did you ever represent to any members of the
23 Clerk's Office that you had been hired on a professional
24 basis for any purpose?

25 A No; they had this letter and whether they
26 interpreted it to mean I was on their payroll or not, I
27 don't know.

28 Q Incidentally, who is Mr. Robertson?

sp???

1 A Mr. Robertson is an engineer for Hycon
2 Manufacturing Company.

sp???

3 Q On one occasion did Mr. Godfrey Isaacs also
4 accompany you, as a member of your party?

5 A He stopped up there at the Clerk's Office one
6 time while I was there.

7 He was there, probably 15 or 20 minutes.

8 Q Has Mr. Godfrey Isaacs employed you in any
9 capacity whatsoever in connection with your viewing the
10 original exhibits in the Sirhan case?

11 A No, he has not.

12 Q What kind of equipment did you have occasion to
13 bring into the Clerk's Office, if any, during the course of
14 your trips to the Clerk's Office?

15 A Well, mainly I had a small pocket magnifier
16 and I used them on occasion.

17 I used to come in with a binocular head-loop
18 that had a magnifier.

19 Then on some occasions I had a binocular
20 microscope.

21 I had an occasion when Mr. Robertson was there,
22 I had a field scanning camera and the various gear that went
23 with it.

24 On another occasion I had a dial micrometer
25 gauge.

26 On another occasion I had a 35 mm. Contax
27 camera with a stand and light unit.

28 I think that covers it fairly completely.

sp???

304

1 Q After the trial, after you got Mr. Shibley's
2 letter, after it was prepared and sent on your behalf, for
3 what period of time did you continue to go down to observe
4 the original exhibits that had been introduced during the
5 course of Mr. Sirhan's trial?

6 A Roughly, well, from August, somewhere in
7 August of 1970 extending in time to maybe February of this
8 year, when the exhibits left the Clerk's Office and went to
9 the Clerk's Office of the Supreme Court -- or at least that
10 is what I was told.

11 Q During the course of your visits were you, in
12 fact, given access to the original ballistics evidence, at
13 least some of the original ballistics evidence, in the Sirhan
14 case?

15 A Yes.

16 Q Do you recall what those exhibits were, as you
17 sit here now?

18 A Well, as I recall, all of the bullet exhibits,
19 the gun, and some of the autopsy pictures and the few copies
20 of the witnesses' statements.

21 Q Mr. Harper, there was a KNXT Channel 2 broadcast
22 on July 16, 1971; did you have occasion to see that broadcast?

23 It ran, I believe, starting at 6:30 P.M., or
24 at least that was when the pertinent part about the Sirhan
25 case was shown.

26 A I may have -- if you tell me the contents I
27 can identify it better, perhaps.

28 Q All right; I was just about to do so, sir.

1 I'm quoting from what purports to be a
2 transcript of that television newscast.

3 "Harper, a criminalist" -- strike that.

4 "Judge Walker's Order made no provision for
5 attorneys of record to authorize anyone else to
6 view the alleged evidence. One who viewed the
7 evidence, under the authority of the Shibley letter,
8 was William W. Harper, a criminalist. - Mr. Harper
9 made many visits. He examined the gun and the
10 bullets on the table in the Clerk's Office."

11 Let's stop there.

12 When you, in fact, did examine the gun and the
13 bullets on the occasions you came there, was such an
14 examination conducted on the table in the Clerk's Office?

15 A Yes, it was.

16 Q Can you tell us -- well, will you look at the
17 chart right behind you and can you tell us where that table
18 was?

19 A This chart?

20 Q I'm referring to Grand Jury Exhibit 53.

21 Do you recognize the general plan of the 4th
22 Floor of the County Clerk's Office?

23 This is the public area and this is the window
24 here and this is another counter here.

25 A Yes, I recognize it in general.

26 When I first started going the table that we
27 used was what would be called the lobby.

28 Q That is the public area?

1 A That's a public area.

2 Yes, that's the lobby right in here and this is
3 like a automobile seat that has been built over to use as an
4 office, and the table that we used was this table here.

5 (Indicating.)

6 But during the course of this examination I
7 mean the table was placed right in here (indicating).

8 Q Was that a subsequent development during your
9 visits?

10 A Yes. I don't know when that occurred but during
11 the course of my visits this table was taken from here and put
12 in this area here (indicating).

13 Q The moving of the table didn't in any way impede
14 the inspection of the exhibits; I take it?

15 A No; I preferred to work back there, if there
16 was any space available.

17 As sometimes, when there was heavy traffic, and
18 I would only get a small part of it, but outside there were
19 more curious people and they were right at your back all of
20 the time.

21 We didn't have that problem when the table was
22 taken inside.

23 Q All right.

24 Continuing with my transcript reflecting what
25 was said on the KNXT newscast:

26 "It seems Harper told KNXT he handled the
27 evidence in the course of his examination but he
28 said the gun and the bullets had not been sealed

1 in plastic containers as Judge Walker instructed."

2 Did you, in fact, make that statement?

3 A I didn't add that part about Judge Walker's
4 instructions because, in fact, that was the only time I ever
5 heard anything that the evidence was supposed to have been
6 placed in plastic bags.

7 At no time that I have been up there have I
8 ever seen guns and bullets in plastic bags, so I didn't know
9 anything about it.

10 Q Continuing:

11 "They were in plain paper envelopes."

12 Is that correct?

13 A Yes.

14 Q "Harper says he doesn't think the evidence
15 has been contaminated but as a crime expert he has
16 strong reservations about the way it was handled."

17 Is that your statement?

18 A Yes.

19 Q Do you, in fact, have strong reservations?

20 A Yes.

21 Q Why?

22 A Well, the first time I was up there with the
23 binocular microscope and examining the bullets they looked
24 like normal evidence test bullets, and there was no indication
25 they had been in any way molested.

26 There was no cutting with a nail or a knife and
27 they looked like normal bullets.

28 But there was one thing, there were three test

1 bullets that were in one envelope along with two shell cases
2 and I believe that was Exhibit 55 and that is a little bit
3 horrifying because when you put a number of bullets in the
4 same envelope and they are juggled around you have the effect
5 of a ball mill type of thing, where you're taking burrs
6 and things off of metal by putting them in a ball mill with
7 a lot of rocks and keeping it rotating.

8 The surfaces of the metal are constantly in
9 contact and being rubbed off and the burrs are taken off.

10 That, of course, is not that bad but the three
11 bullets and two shell casings in the same envelope, subject
12 to normal handling, will cause these bullets to collide with
13 each other and especially if they are shipped some place,
14 they may get a bit of abrading from vibration and so on.

15 That is an amplification of what I had in mind.

16 Also, one bullet, I think it was Exhibit 54,
17 was in a glass or plastic vial without any protection for the
18 bullet itself. I think it was 54 and that bullet could bounce
19 around and collide with the side walls of the container and
20 that is a little bit disconcerting because while the surface
21 features of a bullet are fairly rugged, there is a limit to
22 what they can stand and some deformation may occur.

23 Bullets are very important pieces of evidence
24 and should be protected from damage.

25 Q Mr. Harper, one of the Grand Jurors wants me to
26 ask what a criminalist is.

27 A What a criminalist is?

28 Q Yes.

1 A A criminalist is a person who specializes in
2 the examination of physical evidence in criminal cases,
3 things like firearms, tool marks, fingerprints, arson cases --
4 all forms of physical evidence that may arise in a criminal
5 case.

6 Q Can you tell us rather briefly what your
7 interest was in examining the evidence in the Kirschke case
8 after the case had gone on to jury verdict?

9 What was there that might interest you?

10 A Well, my interest in the Kirschke case was
11 aroused right at the end, or near the end or during the
12 Kirschke trial -- I don't know whether it was the trial but
13 there were some exhibits that were introduced by the prosecu-
14 tion which appeared to be -- well, there was something
15 wrong with them.

16 I cannot describe what it was. I saw it was
17 wrong but I didn't know what it meant at the time.

18 I believe in one micro-photograph the barrel
19 was pointing in one direction and in another micro-photograph
20 it was pointing in another direction and that perked my
21 curiosity and aroused my attention.

22 So, after the end of the trial I went to the
23 Clerk's Office and started examining these bullets themselves
24 in relation to the micro-photographs.

25 So, I guess to answer your question, the
26 appearance of certain micro-photographs in evidence was
27 the thing that perked my interest and curiosity.

28 Q What was your reason for requesting Mr. Shibley

perked??

1 to allow you to have access to the original ballistics
2 evidence, in particular, in the Sirhan case?

3 A Well, I wanted to make micro-photographs of all
4 of the bullets in the Kennedy case.

5 Q One of the Grand Jurors has asked me to ask you
6 whether at that time or at this time you are writing a book
7 with respect to the findings you have made?

8 A No, I'm not a writer. I'm not interested in
9 writing books or having books written.

10 Q Another question from one of the Grand Jurors.
11 Did you suggest to the County Clerk that the
12 ballistics evidence, the bullets in particular, should be more
13 carefully packaged?

14 A No, I don't think I did. I may have, but I
15 don't think I did because it was never my understanding that
16 the Clerk was the one that packaged the evidence.

17 The evidence is packaged when it is first
18 obtained by the police, and to my knowledge I don't know of
19 any instance where the police leave it up to the Clerk to
20 re-package something in the way of evidence.

21 I'm sure the clerks wouldn't take it upon them-
22 selves to re-package something.

23 Q Had you been aware of the fact that there had
24 been a conference called by the Assistant Presiding Judge
25 and the trial judge with a representative of the Clerk's
26 Office, indicating their desire to have the Clerk's Office
27 package the exhibits?

28 A No, I know nothing about such a meeting.

1 Q One of the Grand Jurors would like to know had
2 there been any promise of any remuneration or profit made to
3 you, or any anticipated remuneration or profit as a result
4 of your examination in the Kirschke or Sirhan cases?

5 A No, I had been promised no remuneration or
6 anything for any of my work.

7 Q Now, subsequent to the Sirhan trial, and I'm
8 trying to ask you another question by a member of the Grand
9 Jury, have you been retained by any person or organization to
10 investigate the evidence in any way?

11 A No, I have not been retained by any person or
12 organization..

13 Q I have in mind, Mr. Harper, as you sit here and
14 let me ask you this question directly: Are you associated in
15 any way with Mr. Charach?

16 A No formal association. I know him. We have
17 exchanged information from time to time but I have no other
18 association with him.

19 Q One of the Grand Jurors would like to know,
20 based on your experience, do the police usually package
21 bullets together?

22 A Well, what the police usually do, I don't think
23 I'm prepared to say. I don't know enough as to what all the
24 various law enforcement agencies do, but they certainly should
25 not put a lot of bullets in the same envelope.

26 Q One of the Grand Jurors would like to know,
27 in your opinion, based on your experience, and your visits
28 to the office and having access to the evidence down there,

1 in your opinion would it be possible for a person to walk out
2 with any piece of evidence?

3 A Oh, yes, I think that is possible.

4 I think if someone really wanted to especially
5 with regard to where the table was located, if someone wanted
6 to run off with a bullet or with a gun or substitute another
7 gun or bullet, I would say that the place is not burglar
8 proof.

9 Probably you can go into a jewelry store and
10 walk out with a diamond, too.

11 Up there in the Clerk's Office I think it
12 wouldn't take too much of a sleight-of-hand expert to walk
13 out with a gun or a piece of evidence.

14 Q Did you ever have any of the clerks standing
15 right over you, while you examined the evidence?

16 A Oh, yes; but they look away, they don't glue
17 their eyes.

18 I have never tried anything up there, but I
19 don't think it is impossible.

20 Q So you do think it is possible for someone to
21 walk in and walk out with a gun or a bullet or a piece of
22 evidence, or substitute a gun or bullet for a pre-existing
23 piece of evidence?

24 A Yes; that's right.

25 Q During the period when you were examining
26 exhibits in the Sirhan case would the clerk go off and go on
27 to other duties and leave you alone there without anybody
28 from the Clerk's Office being present?

1 A Well, no, there is always someone around.

2 I was carrying on my examination and I was
3 there to investigate what the exhibits were, and that
4 my main interest, and I wasn't there to investigate what
5 they were doing and I don't know the extent to which they
6 were watching every move I made, but there was always some
7 employee around and I suppose some exhibit clerk was always
8 watching me. I know that some of them would go away and
9 then they would come back and watch me.

10 Q One of the Grand Jurors poses the following
11 question.

12 Do you feel the exhibits here, the ballistics
13 evidence in the Sirhan case, was changed in any way during
14 your investigation by anyone or any condition?

15 A No, I don't think that there has been any
16 change.

17 I can just answer up to the point where I
18 stopped my examination. I don't think that has happened
19 to it.

20 I haven't seen that evidence since back in
21 February of this year.

22 Q All right, Mr. Harper, I have withdrawn from
23 a total number of exhibit view slips a number which appear
24 to have your name on them.

25 I have slips for the following dates:

26 August 12, 1970.

27 August 24, 1970.

28 September 1, 1970.

September 21, 1970.

October 9, 1970.

November 5, 1970.

November 16, 1970, although it may be the 26th,
I'm not certain.

November 18, 1970.

January 12, 1971.

That appears to be nine viewing slips.

Now, you said you came to the Clerk's Office
and you named a greater number of times than nine, am I
correct in your testimony?

A It may be, but I'm just guessing at it.

I don't know, but on the last occasion I was
there I think I made out one of those slips but, actually,
I didn't see anything because after I made the slip out they
told me that the evidence had gone to the clerk of the
Supreme Court's Office in San Francisco.

Q I believe you told us that you were there from
12 to 15 times.

A Well, maybe I was only there nine times.

Q Did you make a log in connection with these
visits?

A Well, I keep a notebook but I don't think I kept
a record of when I went down there.

Sometimes I happened to be downtown on other
matters and if I finish ahead of schedule I might run up
there.

Then, when I get back to my lab, if I'm busy,

#16

1 I might forget to put it down.

2 I don't keep a very precise log but I have most
3 of the times when I was there.

4 I didn't think it was too vital because I'm
5 pretty certain I filled in one of these every time I was
6 there.

7 Q One of the Grand Jurors has asked the follow-
8 ing?

9 Having in mind you were not employed or
10 retained by Mr. Shibley or Mr. McKissack, did you know
11 Mr. Sirhan?

12 A No.

13 Q Having in mind further you're not acquainted
14 with Mr. Sirhan, what was your real basic reason for so many
15 visits to view the Sirhan exhibits in the Clerk's Office?

16 A Well, that is my type of work, whether I am
17 paid for it or not, and I'm very dedicated to the science
18 of criminalistics and my curiosity and my interest have been
19 greatly aroused in the Sirhan case as well as in some other
20 cases.

21 That is my work and I thought that it would be
22 worthwhile to do that as a public service.

23 Q One of the Grand Jurors has inquired whether
24 you would give us the benefit of your educational training
25 and experience in the field of criminalistics.

26 A Well, actually, I had no formal training in the
27 field of criminalistics.

28 I started on my freshman year at Columbia and

1 then I went to New York University after one or two
2 semesters.

3 Then economic conditions forced me out of
4 school and I came to California and I went back to school
5 at UCLA in 1930, I believe it was, and I spent some two
6 years at UCLA with a major in physics and mathematics.

7 Then I came to the California Institute of
8 Technology in Pasadena, I think in the summer there for a
9 summer session and I took two semesters of work in more
10 physics and mathematics.

11 In the meantime, when I was at the Institute,
12 I did research in physics and then again economic circum-
13 stances made it necessary for me to give that activity
14 up.

15 Now, criminalistics depends, to a great extent
16 on using physics and mathematics and after I left Cal. Tech
17 I started doing consulting work with the Pasadena Police
18 Department and that was my background in physics and
19 mathematics and covering that, too, is the experience in
20 actual cases for the Pasadena Police Department.

21 I found that physics and mathematics are
22 very important in analyzing evidence in criminal cases and
23 it was quite interesting and at least rewarding in many
24 ways.

25 Q What was your position with the City of
26 Pasadena?

27 A Well, I was just consultant physicist in those
28 days. I think that's what they called me. I was not actually

1 a policeman, although there was some ordinance in the city
2 that they passed where I had police status, but I don't have
3 in mind exactly what that was supposed to cover.

4 But I had charge of the police lab in Pasadena
5 for seven years and also the technical phases of police
6 training and also technical field investigations.

7 Q When you say you had charge of the police lab,
8 how many police laboratory technicians did you have under
9 your supervision and control at that time?

10 A Really none.

11 I was it.

12 Q You were it?

13 A Yes.

14 Q Do you have a formal degree in any science that
15 you have mentioned?

16 A Do I have a degree?

17 Q Yes.

18 A I don't have.

19 Q One of the Grand Jurors asked are you now
20 retired or self-employed?

21 Whom do you work for?

22 A I work for me and I'm not completely retired.
23 I'm getting ready to retire.

24 Q Let me ask one question that one of the Grand
25 Jurors has asked.

26 After you had finished with your examination of
27 the exhibits during the various trips you made to the Clerk's
28 Office on the 4th Floor, did the clerks, in your presence,

1 re-check the exhibits that you had to turn back in?

2 A Oh, yes, on all occasions I would make a point
3 of having that done.

4 Q What is the difference, one of the Grand Jurors
5 would like to know, between a criminalist and a criminologist?

6 A Well, a criminologist deals with the social
7 aspects of crime, whereas a criminalist deals with things,
8 that is the physical objects, in other words, physical evi-
9 dence.

10 Of course, at one time the term "criminologist"
11 pertained to both those dealing with the sociological aspects
12 of crime as well as those dealing with the physical evidence
13 concerned in crime.

14 The definition of criminologist applied to both
15 sorts of people, but Dr. Kirk at Berkeley suggested the
16 name criminalist for those who deal with the physical evidence
17 that arises in criminal cases and the name sort of caught
18 on.

19 Q Did you ever attend the Massachusetts Institute
20 of Technology?

21 A No, I never attended M.I.T. at any time.

22 Q Not even for one day?

23 A You got me startled there; not to my knowledge.
24 I didn't even attend for five minutes.

25 I have never been at the Massachusetts
26 Institute of Technology.

27 Q Let's take a look at the exhibit reviewing
28 form for August 12, 1970.

1 Does that appear to you to be the approximate
2 date of your first visit to the Clerk's Office?

3 A Yes, it could be the first one.

4 I don't know.

5 Q Let me call your attention to down here, where
6 it says "Exhibits viewed:"

7 "80, 48, 52, 53, 52, 51, 50, 55, 47, 54,
8 58, 79, 56."

9 Do you see that string of numbers?

10 A Yes, I do.

11 Q Was that entry made by you or the clerk that
12 was waiting on you?

13 A It doesn't look like my handwriting. I did
14 fill some of that out. You see, in the past, you are supposed
15 to identify what you are looking at.

16 Q How would those exhibit numbers be placed down
17 there?

18 Would you specifically ask for an item and
19 they would put it down there?

20 A Well, I would tell them what exhibit numbers
21 I wanted. I didn't want everything in the Sirhan case but I
22 wanted to see some specific exhibits and I either told them
23 what I wanted -- I think one of them showed me a list of all
24 the exhibits and I figured out from that list what I wanted.

25 I don't think this is my handwriting on the
26 bottom.

27 Q You don't think this is your handwriting on the
28 bottom of this August 12th exhibit review form?

1 A No, I don't think so. I must have told them.
2 I wanted to see exhibit so and so and they wrote it down.

3 Q Did you say that they showed you a list of
4 the exhibits and that's how you decided what exhibits you
5 wanted to ask for?

6 A Yes; that way, and also by reading the
7 transcript.

8 Q Had you obtained a copy of the transcript
9 in the Sirhan case?

10 A Well, yes, not the entire transcript. I ob-
11 tained Mr. Wolfer's testimony, yes, sir.

12 Q Where did you obtain that from?

13 A I obtained that from Mr. Charach. He left it
14 with me one day and I had it Xeroxed.

15 Q One of the Grand Jurors is posing the following
16 question:

17 You testified the Clerk's Office down on the
18 4th Floor checked back the evidence after you had finished
19 with it and you made sure that they did.

20 The question is this:

21 Did the clerk ever receive the evidence back
22 without checking it and you had to stop them and make sure
23 that they did check it so you would avoid any responsibility
24 in that regard?

25 A Well, I have a vague recollection on one
26 occasion the exhibit clerk behind the counter simply took
27 these exhibits and put them in a large cardboard box and I
28 said, "Wait a minute; I'm through with these exhibits."

1 He said, "Okay", or something like that, and he
2 started to take the box back with him.

3 I said, "Wait a minute. You check me out here
4 now."

5 So he did.

6 He rechecked the exhibits.

7 I think on one of the exhibit forms he showed me
8 there were little check marks under the numbers and I think
9 that's where he rechecked the exhibits back in again.

10 Q You're referring to Exhibit Number 19, the
11 exhibit reviewing form for 8-24-70?

12 A Yes; and also some of these other exhibits.

13 I think on Exhibit 20 they did the same thing
14 here.

15 Q You're referring to Exhibit 20; the exhibit
16 reviewing form for September 1, 1970?

17 A Yes; and that's a different clerk and he has a
18 lot of hieroglyphics and I don't know what it means but I
19 think these "X" marks here are where he checked them back in
20 again.

21 Q I notice on Exhibit 22 the numbers are circled
22 and then crossed out.

23 A Yes, I think they crossed them out when I brought
24 them back.

25 Q Do you know if it was the same clerk that issued
26 the exhibits to you that checked them off?

27 A Well, I didn't pay that too much attention, but
28 it seems to me that many times that was not the same clerk.

1 Sometimes the same clerk that set them out would
2 take them back in again.

3 Q Mr. Harper, there has been some testimony,
4 and please correct me if I'm wrong, on occasions you were
5 there examining the exhibits you were generally there for
6 some extended period of time; would that be an accurate
7 statement?

8 A Well, I would generally be there for a couple
9 of hours, and that was about the longest, I guess.

10 Q Would you say that two hours was the longest
11 that you were there at any one time; is that your testimony?

12 A You mean in the Sirhan case?

13 Q Yes.

14 A I think two hours is about the limit on any
15 one occasion; maybe it ran two and a half hours, like I say,
16 I didn't time it accurately.

17 Q In any event, looking at the exhibit dated
18 August 12, 1970, can you tell us whether you were given access
19 to the original exhibits on that date, August 12, 1970?

20 A What date?

21 Q The first one here, August 12, 1970?

22 A Well, I'm not sure.

23 Q Can you tell by looking at the exhibit numbers
24 whether they were originals, or copies of originals?

25 A I know right at the beginning when I requested
26 it I think it was Exhibit 52 and Exhibit 53.

27 52 was the bullet from Mr. Goldstein and 53
28 was the bullet fragments from the head of Elizabeth Krantz.

1 I think those two, I didn't see those because
2 they brought out photographs of the bullets which was quite
3 disappointing because I cannot examine photographs of bullets.

4 Q Did you also ask for Exhibit 51 on August 12,
5 1970?

6 A 51?

7 Q Yes.

8 A I believe I did.

9 51, to my best recollection, is the bullet from
10 Mr. Irwin Stroll.

11 Q Did you see the bullets on that date, or were
12 you shown photographs?

13 A I can't recall.

14 Q The exhibit reviewing form slip for August 12,
15 1970, shows that you requested Exhibit 48, does it, sir?

16 A Yes.

17 Q And it is my understanding that Exhibit 48
18 contains Items 26 and 27, two vials containing bullet
19 fragments.

20 Is that your memory of that exhibit?

21 A That exhibit is the major fragments of the
22 bullet recovered from Mr. Kennedy's head.

23 Q Can you tell me if on August 12, 1970, you were
24 given access to that original exhibit?

25 A I think I was, yes.

26 Q Exhibit 50, if my memory is accurate, contains
27 two bullet fragments from Mr. Paul Schrade.

28 Did you see the photograph of that exhibit or the

1 original exhibit on August 12, 1970?

2 A I think I saw the original exhibit but I'm not
3 positive.

4 I know I have seen photographs of the exhibits
5 from Mr. Paul Schrade and I saw photographs from Mrs. Evans
6 which was 43.

7 I also saw the other fragments, but which I saw
8 first, I'm not clear.

9 Q I sense by looking at the exhibit reviewing
10 slips, you're not able to state whether you saw the originals
11 or photocopies?

12 A I am rather certain, as far as 52 and 53 was
13 concerned. I was down there several times before I was
14 able to get the actual physical evidence, 52 and 53, because
15 the first two or three times the only thing they showed me
16 was photographs.

17 Q Now, on August 24, 1970, we have the exhibit
18 reviewing slip from that date and I would like to show that
19 to you.

20 A It's in here?

21 Q Yes, turn that right over; it's right here.

22 You have the exhibit that I'm speaking of?

23 It is marked on the bottom Exhibit Number 19?

24 A Yes.

25 Q And you see the date 8-24-70 in the upper
26 left-hand corner?

27 A Yes.

28 Q Did you see Exhibit Number 47 on that occasion?

1 A Yes, it indicates that I did.

2 Q Now, my notes indicate that Exhibit 47 is an
3 envelope containing an expended bullet from the 6th cervical
4 vertebra of Senator Kennedy.

5 Is that your understanding?

6 A Yes, I believe that is correct.

7 Q Could you tell me if on August 24th, 1970,
8 you saw the original bullet or the photograph of the
9 bullet?

10 A I think I saw the original bullet.

11 Q Did you also ask for Exhibit 48?

12 A Yes, I did.

13 Q And Exhibit 48 contains items 26 and 27 which
14 are the two vials containing bullet fragments.

15 Can you tell me if you saw the original exhibits
16 on August 24, 1970?

17 A The originals?

18 Q Did you see the originals or photocopies?

19 A I'm sure I did see the originals.

20 Yes, I think on August 24th, as I remember, I
21 did see the originals.

22 Q Also on August 24th the exhibit reviewing form
23 shows that you asked for Exhibit 50, the two bullet fragments
24 from Paul Schrade.

25 Do you know whether you saw the originals or
26 photos of those bullets at that time?

27 A I'm pretty sure I saw the originals.

28 Q How about Exhibit 51, which contained Item 105,

1 the bullet from Irwin Stroll?

2 The viewing slip shows that you requested that
3 exhibit on that date?

4 A Well, I think I saw it.

5 Q Yes; but did you see the originals or the
6 photocopies of the originals?

7 A I believe the originals.

8 Q All right; how about exhibit Number 52, which
9 was the envelope containing item 113, bullet from Ira
10 Goldstein?

11 What is your best recollection whether you saw
12 the originals or a copy on that date?

13 A I think by that time I was seeing all of the
14 exhibits.

15 Q I have in mind Mr. Shibley's letter is dated
16 August 27th, and from the testimony that you have given us
17 it appears that you were being given access to the original
18 exhibits prior to the actual composition and sending of this
19 particular letter and we would like to clarify that so that
20 there is no misunderstanding in that regard.

21 A Well, that exhibit slip was made out on what
22 date?

23 Q August 24th; that's three days prior to the date
24 of Mr. Shibley's letter.

25 A So that would indicate that I saw these exhibits
26 only three days before his letter.

27 Q Yes; and I'm curious as to how you were able to.
28 I'm not attempting in any way to criticize or

1 demean you, please understand.

2 I'm simply curious as to how you were able to
3 be given access to the original exhibits three days before
4 Mr. Shibley's letter was written?a

5 A Well, it's not clear in my mind but apparently
6 I had seen those exhibits before that letter, though I was
7 still experiencing some difficulty seeing certain other
8 exhibits and I had talked with the Clerk's Office, too.

9 I do know about 52 and 53 and I think there were
10 other exhibits, too that I hadn't been able to see those
11 yet.

12 Because of that I asked Mr. Shibley if he would
13 give me a letter, which he did, but I had, undoubtedly, seen
14 some of these bullets even prior to this letter.

15 Q What surprises us is that you were able to gain
16 access to the original exhibits before the letter was received
17 by the Clerk's Office.

18 Do you recall any particular reason why you were
19 given that kind of access by members of the Clerk's Office?

20 A No; it didn't strike me as unusual because over
21 the years, when I've gone to the Clerk's Office to see
22 exhibits, the files were made available to me for examination
23 on behalf of defense attorneys or something and not being
24 fully apprised of Judge Walker's order, I didn't know what
25 was going on, actually. In the past, the only time I've had to
26 get a court order was when the conditions indicate that I had
27 to remove something from the Clerk's Office and take it out to
28 my laboratory for examination or something like that.

1 Then I would get a court order so I have never
2 had an occasion where I was supposed to get a court order to
3 look at something.

4 Q So you were not fully apprised of what was going
5 on here?

6 A Apparently not.

7 Q Let me ask you this:

8 When you were given access to some of the
9 criminalistic and ballistic evidence before Mr. Shibley ever
10 sent this letter, did anybody tell you that you needed a court
11 order in order to see the original ballistic evidence?

12 A No, not to my knowledge.

13 Q Do you recall asking for the physical evidence
14 rather than the photographic evidence?

15 A Oh, yes; I'm not at all satisfied by looking at
16 a picture of a bullet.

17 I had to see the bullet itself.

18 Q What happened when you made that request?

19 A Well, they didn't know where the actual bullet
20 was or something, but they kept bringing me pictures of 52 and
21 53.

22 I said, "No, I want to see the actual bullet."

23 Q That's what you told them, that you wanted to
24 see the actual bullet rather than the photographs?

25 A Yes.

26 Q So, at least in this instance, you were shown the
27 photograph records and not the actual physical evidence?

28 A Yes; that's why I complained and that's why I

1 finally got the letter.

2 Q But, despite that, even before you got the
3 letter, you were shown the actual physical evidence of
4 some of the other exhibits?

5 A Yes; I believe so.

6 Q One of the Grand Jurors has posed the following
7 question:

8 Do you earn your livelihood by soliciting
9 consulting work from any agency other than the Pasadena
10 Police Department?

11 A Well, I'm no longer doing any work for the
12 Pasadena Police Department at all.

13 I would say that I don't do much soliciting. I
14 have attorneys, mainly insurance companies who come to me
15 for consulting service regarding accidents, collisions and
16 the like.

17 Many insurance companies call upon me for
18 consulting service and I don't solicit or advertise.

19 Q The other question one of the Grand Jurors has
20 asked is:

21 How many associates do you have in your firm?

22 A I do not have a firm. I'm the only associate.

23 Q I see; you're a walking corporation?

24 A That's right.

25 Q Without being incorporated?

26 A Well, I'm the only one that does the work.

27 Q The following question has been asked by a member
28 of the Grand Jury, referring back to the reason you testified,

1 do you think it would be helpful in any way to have certain
2 information in connection with the Sirhan case and the
3 evidence in the Sirhan case in your file in case you should
4 be asked for a professional opinion on the Sirhan appeal?

5 A Well, I did want to get a picture of the bullets
6 in the case. But I don't know whether I would be called upon
7 to render any opinion.

8 I had not testified during the trial and I had
9 no anticipation in my mind that if I took these photographs or
10 I made these examinations that some of them might come in and
11 hire me.

12 It never entered my mind.

13 Q I notice, Mr. Harper, your next visit, at least
14 according to the record, that has been provided here was
15 September 1, 1970.

16 I believe that is Grand Jury Exhibit Number
17 20.

18 Will you take a look at it, please?

19 A Yes.

20 Q Did you ask for Grand Jury Exhibit Number 7
21 on that visit?

22 A Well, Grand Jury Exhibit Number 7 was the Sirhan
23 gun.

24 Q Did you ask for it under the Grand Jury Number
25 or the trial number?

26 A Well, I wouldn't have asked under the Grand Jury
27 Number because I don't think I ever knew what it was at that
28 time.

1 I found out what the number was from the Grand
2 Jury because on one occasion the clerk said they didn't have
3 the gun available.

4 Q Who told you that?

5 A I believe I was told that by the representative
6 of the clerk's office, in this building.

7 I can't remember the exact language but I asked
8 for it under Number 7 and I was told it wasn't available, that
9 I had to ask for Exhibit Number 6.

10 Q That was, to your knowledge, the Sirhan gun?

11 A That's right.

12 I recall he came back and he said -- well, I
13 don't know what he said; that's been too long ago; but I
14 think he came back and he said that I wanted Number 6 and
15 the gun still had the Grand Jury Exhibit Number 7.

16 I told him I wanted to see the gun and he
17 brought it back in a sort of envelope.

18 Q Do you recall what kind of envelope it was?

19 A Just a brown manila envelope and he went back,
20 when I told him what I wanted was the gun, he brought it back
21 right away.

22 Q I notice on the Grand Jury Exhibit Number 20,
23 dated September 1, 1970, that a number of the exhibits have
24 been put in circles and then there are "X" marks across the
25 circles.

26 You will note that some of the exhibits have no
27 circles or "X" marks on them at all.

28 Those exhibits are 52-A, 53-A and then it jumps

1 over to 62, 63, 64, 64-A, 64-B.

2 As to these marks or lack of marks, do they
3 have any significance to you, Mr. Harper?

4 A No, I'm sorry, I can't help you on that.
5 I can't interpret their hieroglyphics.

6 Q Do you think that you saw the exhibits, the
7 numbers that I just read off to you?

8 A I think the original numbers down there I put
9 on there.

10 It looks like my handwriting except for the
11 9 and the 19.

12 I don't think I put those down. I think maybe
13 I asked for those later and then they put those down.

14 Q How about these exhibits that I just read off,
15 they have no circles or check marks on them.

16 Do you think those could have been the exhibits
17 that you didn't see at that time?

18 A Well, it's possible.

19 Q And the ones that are circles and then the
20 "X" marks above them, are the exhibits that you did see?

21 A Well, as I say, I can't interpret their heiro-
22 glyphics.

23 I know I did ask to see a large number of
24 exhibits and I really don't know whether they brought them
25 all out or not.

26 As I say, I can't say at this time.

27 I think you're just speculating now, because
28 it's been too long ago.

1 Also, like I said, I wasn't paying too much
2 attention to what the exhibit clerks were doing.

3 After all, I'm not responsible for maintaining
4 records -- that's a function of the Clerk's Office.

5 Q And at this time you don't know whether you saw
6 the originals or copies of the originals?

7 A Well, as far as the ballistics evidence, I
8 would say that I saw the originals. As far as the others,
9 it probably may have been copies.

10 Q All right, let's go on to Grand Jury Exhibit
11 Number 21.

12 That's the exhibit review form for September
13 21, 1970.

14 I notice on that that you asked for Exhibit
15 81.

16 A Yes, that's right.

17 Q And those are the photographs in connection
18 with the autopsy report?

19 A Yes, that's right.

20 Q All right; let's go on to Exhibit Number 22,
21 and the exhibit review form for October 9, 1970.

22 You notice where it says, "Identification", it
23 says, "O.K.", with a line underneath.

24 Do you see that?

25 A Yes.

26 Q That would seem to indicate that your identifi-
27 cation was "O.K.", and I assume by that time you must have
28 been reasonably well known to the men down at the Clerk's

1 Office?

2 A Yes.

3 Q And some of the other slips that we've already
4 gone through, I notice that they put down your license
5 number.

6 Do you remember when that was started to be
7 done?

8 A That business of taking down license numbers was
9 a new one, but I believe at the time of the Kirschke case,
10 I don't recall if it was done at that time, but I don't think
11 it was done in the past.

12 I know when it started, and I have been in
13 there many times and I filled out a slip, and many times the
14 attorney has been along with me and we have gone in and
15 looked at some evidence and then gone out.

16 However, I recall after a time they started
17 asking for identification and they wanted to see my driver's
18 license and they took down the number.

19 Q Do you know if that happened only in the Sirhan
20 case?

21 A I think that started sometime before that, but
22 I know that they were doing it.

23 Q Anyway, by October 9, you had been there so
24 many times that they knew you and they just put down
25 "O.K."?

26 A Well, apparently.

27 I would take it by that time I was pretty well
28 known.

1 Q And on that date do you recall whether you were
2 given the original evidence to look at?

3 A Yes, I believe I was.

4 Q All right; going over to Exhibit Number 24,
5 which is the date of 11-5-70, on the exhibit reviewing form,
6 do you recall your visit of November 5, 1970?

7 A I don't know -- what I mean is, I don't
8 recall that specific visit.

9 Q Do you know about what time you got there?

10 A No, I haven't any idea.

11 Q In any event, you asked to look at Exhibits
12 47, 48, 50, 51, 52, 53, 54 and 55?

13 A Those numbers are on there so I guess that is
14 correct.

15 Q Most of those items were the hard-core
16 ballistics evidence, were they not?

17 A Yes.

18 Q Did anyone with you, during this visit, ever
19 handle any of the evidence?

20 A Well, Mr. Robertson.

21 Q That's the gentleman from the Hycon Camera?

22 A Yes.

23 Q Is he a criminalist?

24 A No; he's an expert on the Hycon.

25 Q Incidentally, are you a consultant to Hycon
26 Camera Company?

27 A Yes.

28 Q Was that a paid consultancy, sir?

1 A Sort of, yes.

2 Q I'm not sure what that answer means.

3 Did you receive any money?

4 A Well, sort of.

5 They insisted I be compensated for part of the
6 time I was guiding them in some of the technical problems
7 with this camera, so they worked out a little contract for
8 me, and I was compensated for some of my work.

9 Q This Hycon Camera is a recently new camera
10 development?

11 A Yes, since '68, I think the development work
12 started on about in 1968.

13 Q Was it your interest towards Mr. Robertson that
14 the use of the Hycon Camera in connection with the Sirhan
15 case would perhaps enhance the reputation of the Hycon
16 Camera?

17 A I don't think that I had any discussion. I used
18 it. I wanted to use it to photograph as many bullets as I
19 could and especially bullets that have any historical
20 significance.

21 Q Did you bring a comparison microscope at any
22 time into the Clerk's Office to view the Sirhan exhibits?

23 A No, I did not.

24 Q Was there any reason for that?

25 A It's too heavy to carry.

26 I'm an old guy.

27 Q Was Mr. Robertson a marketing representative of
28 Hycon?

1 A He's not in the marketing end of it.

2 He had to do with a number of items that
3 concerned the camera.

4 I believe that he has recently retired.

5 Q Is your relationship with Hycon Camera continuing
6 up to today?

7 A Yes.

8 Q All right.

9 Let's take a look at Grand Jury Exhibit Number
10 25. That is the visit of November 16, 1970.

11 I believe I mentioned before it might be
12 November 26.

13 A I think it's November 16th.

14 Q Once again you requested to see primarily the
15 original ballistics evidence on that date?

16 A That's correct.

17 Q Do you recall the time that you arrived at the
18 Clerk's Office on that particular date?

19 A No, I really can't.

20 I believe -- and I don't know why I say this,
21 but I have a vague recollection my wife accompanied me down
22 there on the 16th.

23 I don't know why, but maybe she had some
24 errands in Los Angeles and I picked her up and we pepped
25 into the Clerk's Office.

26 That happened on one occasion, but I couldn't
27 be sure which one it was.

28 Q Did you ever make any complaint about any of the

1 attitudes of the exhibit custodian clerks down there at the
2 Clerk's Office, during the course of the visits you made?

3 A I never made any complaint about the clerks.

4 Q After November 16th, you were down there two
5 days later, on November 18, 1970?

6 A Well, as I say, I didn't keep track of the
7 dates.

8 Q Grand Jury Exhibit Number 26 is dated 11-18-70.

9 A Well, that must be right, then.

10 Q I see on Grand Jury Exhibit Number 26 you
11 requested Exhibit Number 6, and that was the gun; is that
12 correct?

13 A I believe so.

14 Q Did you conduct any examination of the gun,
15 if, in fact, you got it, after you received it?

16 A Well, I think on this occasion I merely made a
17 superficial examination of the gun. Let's see, the 18th --
18 I think it was on this day I made the photographs of Exhibit
19 55.

20 Q All right; let's go over to January 12, 1971;
21 that's Grand Jury Exhibit Number 28.

22 To your knowledge, had any exhibits been shipped
23 up to the Clerk of the Supreme Court at the time you walked
24 into the Clerk's Office on January 12th?

25 A No, I don't think so.

26 Some of the exhibits may have gone, but I'm
27 pretty sure that on that day I saw these exhibits that were
28 listed here because they got them circled and again I don't

1 know what the heiroglyphics mean, but I imagine I saw these
2 exhibits on January 12th.

3 Q Do you know what the check marks are over three
4 of the exhibit numbers?

5 Do you know what the significance of those check
6 marks are?

7 A No, I have no idea.

8 Q You notice Exhibit Number 6 is listed on this
9 exhibit reviewing form.

10 A Yes.

11 Q Exhibit Number 6 would be the Sirhan gun?

12 A Yes.

13 Q Would you tell us the kind of examination you
14 made on Mr. Sirhan's gun at that time, on January 12, 1971?

15 A Well, I don't recall specifically.

16 Q I notice on that occasion you asked to see
17 Exhibit 81, which was the autopsy photographs again?

18 A Yes.

19 Q Did you ever make any visits to the Clerk's
20 Office in this building to see any of the exhibits after the
21 last date that we have been concerned with, January 12,
22 1971?

23 A Well, I think the next visit after that was
24 probably the occasion when I was told the exhibits were no
25 longer there, and I was to go to the Clerk of the Supreme
26 Court, if I wanted to see the exhibits.

27 Q Have you, in fact, made a visit to the Clerk of
28 the Supreme Court within the past month, in an effort to see

1 certain ballistics evidence that might have been introduced
2 during the Grand Jury presentation of the Sirhan case?

3 A I've been in the office of the Clerk of the
4 Supreme Court, either here or in San Francisco; I just don't
5 remember.

6 Q Do you know Mr. Ron George, of the Attorney
7 General's Office?

8 A Well, I've heard the name. I've never met
9 him. I don't think I would know him.

10 Q Was he there when you photographed the autopsy
11 photographs?

12 A No.

13 Q Mr. Harper, so that the record is perfectly
14 clear, have you seen the exhibits, since the exhibits were
15 sent from the Clerk's Office on the 4th Floor to the Clerk's
16 Office in the Supreme Court?

17 A No.

18 Q Have you made any request to see any of the
19 exhibits in the Sirhan case?

20 A Well, not officially or formally.

21 I've expressed the opinion, I think to you on
22 one occasion, that I would like to again see some of the
23 exhibits but I've never made any formal or official request
24 to see any of the exhibits again.

25 Q Have you been in the Clerk's Office in the
26 Supreme Court at the State Building downtown, asking to see
27 any of the exhibits?

28 A I believe I have.

1 Q Does the Exhibit Number 5-B have any
2 significance to you?

3 A 5-B?

4 Q Yes.

5 A Well, I've heard about it.

6 Q What significance does it have to you?

7 A Well, 5-B I have never seen it. I've heard
8 stories about it but I've never actually seen it, and
9 that's about all.

10 Q Have you made any effort during the past month
11 to see Exhibit 5-B at all?

12 A No.

13 MR. HECHT: I've nothing further.

14 THE FOREMAN: Are there any questions to be directed to
15 this witness?

16 If so, please write them out and they will be
17 directed to the witness through the Deputy District
18 Attorney.

19 Apparently there are some.

20 BY MR. HECHT:

21 Q Mr. Harper, one of the Grand Jurors would like
22 to know whether in your opinion the persons in the Clerk's
23 Office were substantially aware of the fact that you were
24 bringing in all these cameras and other scientific equipment
25 when you were down there, if they would be aware of it?

26 A Yes, they would be aware of it.

27 Those are fairly sizable physical objects,
28 and I'm sure they all saw them on the various occasions that

1 I brought them in.

2 Q As a matter of fact you had to set up a very
3 visible, powerful lighting system to take the kind of pictures
4 you were taking?

5 A No, that's not true.

6 We plugged into the 120-volt power source.
7 I think we inconvenienced them by cutting the fans out,
8 or something, but I don't remember what it was.

9 Actually I forget how much wattage it takes to
10 have those camera lamps light up, but it isn't any higher
11 power.

12 MR. HECHT: No further questions.

13 THE FOREMAN: Any further questions from any of the
14 Grand Jurors?

15 Apparently not.

16 I'd like to caution you not to discuss or impart
17 at any time, outside of this jury room, the questions that
18 were asked of you in regard to this matter, or your answers,
19 until authorized by this Grand Jury or the Court to discuss or
20 impart such matters.

21 You will understand that a violation of these
22 instructions on your part may be the basis for a charge
23 against you of contempt of court.

24 Do you understand that?

25 THE WITNESS: I do.

26 (Whereupon, the witness, William W. Harper, was then
27 escorted from the Grand Jury Hearing Room by the Sergeant
28 At Arms.)

1 MR. HECHT: Mr. Gerald Lenoir, please.

2 (Thereupon, the witness, Gerald D. Lenoir, was then
3 escorted into the Grand Jury Hearing Room by the Sergeant
4 At Arms.)

5
6
7 GERALD D. LENOIR,

8 called as a witness before the Grand Jury, was duly sworn
9 as follows:

10 THE FOREMAN: You do solemnly swear that the
11 evidence you shall give in this matter now pending before
12 the Grand Jury of the County of Los Angeles shall be
13 the truth, the whole truth, and nothing but the truth, so
14 help you God?

15 THE WITNESS: I do.
16
17

18 EXAMINATION

19 BY MR. HECHT:

20 Q Mr. Lenoir, what is your business or occupation,
21 sir?

22 A I am an attorney.

23 Q Mr. Lenoir, I want to make it perfectly clear
24 I do not wish any questions I may ask to intrude into the
25 attorney-client privilege and if you feel I'm doing so,
26 would you please indicate that and I certainly will respect
27 that claim of privilege.

28 A Thank you.

1 Q Have you ever been an attorney for Mr. Sirhan?

2 A No.

3 Q In connection with the Sirhan Bishara Sirhan
4 case, I show you Grand Jury Exhibit Number 7, which appears
5 to be an exhibit viewing slip bearing your name.

6 This is a photograph of the original.

7 Would you kindly examine that, please?

8 A Yes.

9 (The witness complies with counsel's request.)

10 Q Does it look familiar to you?

11 A Yes, it does.

12 Q Did you have occasion some time during the month
13 of June 1969 to come down to the Clerk's Office and fill
14 this out?

15 A Yes, I did.

16 Q I notice at the bottom of the exhibit review
17 form you sought permission to review an exhibit, and that
18 exhibit is B-19?

19 A Yes, sir.

20 Q Was Exhibit B-19, to your recollection, an
21 object or an item that had been introduced into evidence
22 during the course of the Sirhan Bishara Sirhan trial?

23 A Yes, sir.

24 Q And what was it?

25 A It was a set of questionnaires which Sirhan's
26 attorney had sent out to different judges, challenging the
27 makeup of the Grand Jury.

28 That was in connection with his claim that the

1 Grand Jury was unconstitutionally constituted.

2 Q Can you tell us without identifying the
3 individual, were you representing someone else at the time
4 you went to see this particular document or series of
5 documents?

6 A Yes; that's correct.

7 Q And that was a matter of interest to you, was
8 it?

9 A Yes. I thought, possibly, it might be helpful
10 to the client that I was representing.

11 Q Were you shown the documents that you
12 requested?

13 A Yes.

14 Q And were they returned to the Clerk after you
15 were finished with them?

16 A Yes, they were.

17 MR. HECHT: Fine; I have nothing more.

18 THE FOREMAN: Any questions to be directed to this
19 witness by any member of the Grand Jury?

20 If so, please write them out and they will be
21 directed to the witness through the Deputy District Attorney.

22 Apparently not.

23 I'm sure, Mr. Lenoir, I need not caution you
24 about the need for secrecy as to what you have testified to
25 here.

26 MR. LENOIR: I understand, sir.

27 THE FOREMAN: Thank you so much for coming in.

28 (Thereupon, the witness, Gerald D. Lenoir, was then

1 escorted from the Grand Jury Hearing Room by the Sergeant
2 At Arms.)

3 THE FOREMAN: We'll adjourn now until 1:30 P.M.

4 (Whereupon, an adjournment was taken until 1:30
5 P.M. of the same day.)

6 ---ooo---

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, AUGUST 18, 1971

2 1:30 P. M.

3 --o0o--

4
5 THE FOREMAN: Let the record show the Grand Jury has
6 reassembled and the court reporter is present.

7 The Secretary may call the roll.

8 (Thereupon, the Secretary complies with the Foreman's
9 request.)

10 THE SECRETARY: There are twenty-one Grand Jurors
11 present.

12 THE FOREMAN: The same twenty-one Grand Jurors are
13 present that have been present since the inception of this
14 matter.

15 You may proceed, Mr. Hecht.

16 MR. HECHT: Robert Kaiser.

17 (Thereupon, the witness, Robert B. Kaiser, was then
18 escorted into the Grand Jury Hearing Room by the Sergeant
19 At Arms.)

20
21
22 ROBERT B. KAISER,
23 called as a witness before the Grand Jury, was duly sworn
24 as follows:

25 THE FOREMAN: You do solemnly swear that the
26 evidence you shall give in this matter now pending before
27 the Grand Jury of the County of Los Angeles shall be the
28 truth, the whole truth, and nothing but the truth, so help you

1 God?

2 THE WITNESS: I do.

3
4
5 EXAMINATION

6 BY MR. HECHT:

7 Q Good afternoon, Mr. Kaiser.

8 Will you please tell the Grand Jurors what your
9 business or occupation is, sir?

10 A I am a writer.

11 I was formerly a correspondent for Time Magazine
12 and a free-lance writer.

13 Q Are you the author of a book called, "R.F.K.
14 Must Die"?

15 A Yes, I am.

16 Q Does "R.F.K." refer to Robert F. Kennedy?

17 A Yes, it does.

18 Q And this book is currently available in pocket-
19 book form, as well as in hard cover?

20 A Yes, it is.

21 Thanks for the plug.

22 Q Did you have any official connection with either
23 the defense or prosecution during the trial of Mr. Sirhan?

24 A Yes, I did.

25 Q And what was that official connection?

26 A During the trial I was acting as a defense
27 investigator for Mr. Grant Cooper and also Russell Parsons.

28 Q When the trial was over and the guilty verdict

1 and the death penalty verdicts had been returned, did you
2 have occasion to make visits to the County Clerk's Office on
3 the 4th Floor of this building in connection with any desire
4 on your part to look at the evidence?

5 A Although I had had access during the trial, be-
6 cause of my connection with the defense, there were items I
7 missed or I wanted to double check, so I paid several visits
8 to the Clerk's Office.

9 Q When you say "several visits", are you talking
10 about when the trial was over?

11 A That's right.

12 Q Approximately how many visits did you make?

13 A Perhaps three or four, no more than five.

14 Q All right, I invite your attention to an
15 exhibit that bears the date of November 28, 1969, and that is
16 Grand Jury Exhibit Number 32.

17 I represent to you, Mr. Kaiser, that purports
18 to be a photograph of a somewhat smaller document that we
19 have been referring to in this proceeding as an exhibit
20 reviewing slip, or an exhibit reviewing form.

21 Will you take a look at that document and
22 tell us if you recognize the document?

23 A It looks to be a photostat or a blow-up of a
24 smaller slip that I filled out.

25 That is my printing.

26 Q All right; based upon your observation of that
27 document and your own recollection in this matter, did you,
28 in fact, make a visit to the Clerk's Office on November 28,

1 1969?

2 A Well, apparently I did.

3 Q Do you have any particular recollection or
4 specific recollection of that visit by yourself?

5 A I'm not sure whether it was on this visit or
6 another visit. I made several visits. I had some photo-
7 stats made of certain psychiatric and psychological exhibits
8 that were put into the record by the defense attorney.

9 Q All right; let me go into that matter so that
10 the record may be clear.

11 For the sake of clarity on each of these visits
12 and you say there may have been as many as five, but in any
13 event on each of the visits, were you given the opportunity
14 to examine any of the original exhibits or copies of the
15 original exhibits?

16 A Yes, I did.

17 Q That is true in each of the visits, when you
18 came here?

19 A Yes.

20 Q Did you at any time, or were you at any time
21 given access to the original exhibits in the case?

22 A I believe that -- it's hard to remember -- I
23 think most of the time there were Xerox copies of the documents
24 that I saw.

25 Q You say "most of the time", and I sense that
26 perhaps in your mind there is some question of whether that
27 was true all of the time?

28 A Yes, but I'm trying to remember now. It's been

1 a couple of years ago.

2 I didn't view any of the so-called hard
3 evidence, like the gun or the bullets or even his books that
4 were put into evidence.

5 I was merely concerned with getting the records
6 at that time, which I wanted, which were the psychological
7 reports and the psychiatric reports that were put into the
8 public record.

9 Q Did you, in fact, fill out this exhibit reviewing
10 form every time you made a visit to the Clerk's Office down-
11 stairs?

12 A Yes, I believe I did.

13 Q Was that the same kind of form that appears in
14 front of you?

15 A To the best of my recollection, yes.

16 Q Could you tell us, please, what your educational
17 background is, Mr. Kaiser?

18 A I went to Loyola College here in Los Angeles.
19 I joined the Society of Jesuits in 1948, and I studied to be
20 a Jesuit Priest for 10 years, and I left before ordination.

21 I continued with my further education, and I
22 received a M.A. in Philosophy.

23 I went to work for Time Magazine in 1961 to
24 1966.

25 Since that time I've been a free-lance writer,
26 and I would like to say that my education has been continuing.

27 Q Mr. Kaiser, let me ask you this question:

28 Do you have any knowledge whatsoever in

1 connection with the taking of any pages from the Clerk's
2 Office of exhibits relating to the Sirhan Bishara
3 Sirhan case?

4 A Yes, sir.

5 Q Do you know a man by the name of Mr. John
6 Christian?

7 A Yes, I do.

8 Q How long have you known Mr. Christian?

9 A Since I met him in August of 1968.

10 Q Can you tell us, please, the circumstances
11 under which you became acquainted with Mr. Christian?

12 A An editor of Look Magazine phoned me and asked
13 me to check out a story that they were approached with by
14 Mr. John Christian of San Francisco, to try to see whether,
15 indeed, he had a story that the editors would care to
16 purchase.

17 So I phoned Christian in San Francisco and that
18 began a kind of relationship.

19 Q When was the last time you have talked either
20 in person or telephonically with Mr. Christian?

21 A I would say about six weeks ago; there was a
22 meeting of the local members of something called the
23 National Committee to Investigate Assassinations, including
24 Mr. Dick Sprague and a woman called Lillian Castellano, and
25 a gentleman by the name of Fred Newcomb, who has done an
26 elaborate study on the Dallas Assassination.

27 These people are buffs who gather data on the
28 various assassinations that have occurred. I have been

1 approached by these people and introduced to voluminous
2 others who claimed that they had material concerning the
3 R.F.K. assassination and also the other assassinations.

4 These people collect material like other people
5 collect postage stamps and they trade that material back and
6 forth.

7 They have a kind of underground network of
8 these people and there was a kind of local meeting and that
9 was the first time I ever met these local people and John
10 Christian was there.

11 Q I see.

12 During the period of time you've known
13 Mr. Christian, have you ever had a conversation with him
14 relating to the fact of certain documents being taken from
15 the Clerk's Office?

16 A Yes.

17 Q Can you tell us, please, what is your best
18 recollection as to the approximate date or the specific date,
19 if you have it, that the conversation took place?

20 A Some time in 1969 and that is about the best I
21 can narrow it down to.

22 Q Will you tell us where that conversation took
23 place?

24 A At John Christian's apartment.

25 Q Where would that be?

26 A On Larabee, in West Hollywood.

27 Q What were the circumstances that led up to your
28 being present in that apartment?

1 A John calls me all the time. I had a lot of
2 information, having had access to most of the police reports
3 in the case and also the FBI reports -- at least all of those
4 that were in possession of the District Attorney's Office.

5 John knew of my experience in this area and
6 John, as an assassination buff, wanted to talk to me and
7 he wanted to get information from me.

8 He was very anxious to share information though
9 it was a pretty much one-way sharing.

10 Q From you to him?

11 A Yes; but he was a very interesting fellow.
12 He had a lot of energy and he had a theory and he was doing
13 a lot of leg-work and interviewing people by telephone and
14 usually he recorded those telephone conversations and
15 one of his prime suspects in this case -- he is a conspiracy
16 buff. He is looking for others that may have been involved
17 with Sirhan and there was a preacher who was his favorite
18 suspect. That man was Mr. Owens, Jerry Owens.

19 He had telephone conversations with a lot of
20 people who knew Owens.

21 At one point when I was in the Sheriff's Office
22 looking at their set of exhibits, they kept a kind of daily
23 record of Sirhan's activities in his cell and tacked into each
24 of these daily notations would be correspondence between the
25 Under-Sheriff and the Sheriff, or between one of the Deputies
26 in charge of the jail, an Under-Sheriff, and I came across
27 an interesting Sheriff's Report dated December 31, 1968, in
28 which it was apparently the Sheriff's Office down in Lakewood

1 had picked up a man who told a wild story about some people
2 down in Orange County who had dealt with a preacher who had
3 some connection with the guy that killed Robert Kennedy.

4 I had the names and that was a revelation to
5 me. I kept it under my hat and I didn't share it with
6 Christian, but in my on-going investigation of the
7 assassination I did draw up a plan of inquiry which I thought
8 could have led to evidence bearing on another co-conspirator.

9 In that quest it led on to a fellow named
10 Peter Noyes, who was a producer of the Big News on
11 Channel 2, who was carrying on his own private investiga-
12 tion.

13 In order to get information from Pete I had to
14 give information to him, so I told him about the Sheriff's
15 Office report, and then the same kind of thing happened;
16 in order to get information from Christian Pete had to share
17 information with Christian and he gave Christian the
18 substance of that Sheriff's report. Then Christian called
19 me and said, "You so and so, why didn't you tell me about
20 that?" and I gulped and I said, "Well, I didn't know in any
21 way that would help you."

22 Anyhow, Christian took down those names that
23 were in the Sheriff's Report and did his own private
24 investigation on interviewing over the telephone.

25 He would give an assumed name, and say he was a
26 reporter for KBJ, I believe, -- it's not terribly ethical for
27 a newsman to do that but it worked to his advantage.

28 He was curious to know why I had held back that

1 fact and he wanted to know, really, what was the connection
2 between these people and Sirhan.

3 I know that is going a long way around as to the
4 reason, but that is why I was visiting there in Christian's
5 apartment.

6 Q You were there at his invitation, I take it?

7 A Yes.

8 Q During the time you were there, did he make any
9 statement to you in connection with the taking of certain
10 documents from the Clerk's Office in this building?

11 A Yes.

12 Q Will you tell us, please, what he said?

13 A I believe he showed me some Xerox copies of
14 pages from Sirhan's notebook.

15 Q Did he make any statement at or about the time
16 that he displayed them to you?

17 A I believe he boasted that he had sort of slipped
18 them out, and he had borrowed them.

19 Q Did he tell you from where he had borrowed
20 them?

21 A From the Clerk's Office.

22 Q Did he tell you when he had engaged in this
23 borrowing activity?

24 A No.

25 Q How many pages do you recall seeing at that
26 time?

27 A A half a dozen, at least, but they were Xeroxed
28 pages -- they were not originals.

1 Q I show you Grand Jury Exhibit Number 50.

2 Will you take your time and satisfy yourself
3 by examining that document and tell me if you have ever
4 seen the original or a copy of that document before?

5 A (The witness complies with counsel's request.)

6 This is a Xeroxed copy of perhaps a photostatic
7 copy of Sirhan's notebook.

8 Q You recognize it as such, do you not?

9 A Yes, I do.

10 I printed the whole thing in an appendix
11 to "R.F.K. Must Die".

12 Q Let me ask you:

13 Did the pages that Mr. Christian showed you
14 resemble the same kind of pages that you're looking at
15 right now?

16 A I really couldn't say for sure. I just don't
17 know.

18 Q Can you tell us if they are the same, or
19 different?

20 A May I ask if there are any pages missing from
21 this exhibit?

22 Q I believe that the Grand Jury will find that
23 there are, yes, sir.

24 Let me show you Grand Jury Exhibit Number 52,
25 Mr. Kaiser.

26 The testimony so far has been to the effect that
27 Grand Jury Exhibit Number 50 is a copy of Exhibit Number 52,
28 or perhaps it would be more accurate to say that Exhibit 50 and

410

1 52 are copies of People's Exhibit Number 71, the original
2 exhibit in the Sirhan case.

3 Let me direct your attention to the first page
4 there, and you'll notice there are some notations on that
5 page.

6 Of course there are some different notations,
7 but first of all you will notice the notation Q1-1 FBI Lab
8 and there is that FBI Lab stamp on every one of the pages in
9 Exhibit 50.

10 I think you'll find that to be true?

11 A Yes.

12 Q Now I direct your attention to Grand Jury Exhibit
13 Number 52 and you see the same sort of markings on the various
14 pages?

15 A Yes, I do.

16 Q And also you see what appears to be red pen
17 markings in the upper right-hand corner?

18 A Yes.

19 Q And on the first page here it says, "People's 71
20 front cover"?

21 A Yes.

22 Q And you notice that the pages appear to be marked
23 in sequence?

24 A Yes.

25 Q Now, you notice in Grand Jury Exhibit Number 50,
26 you see the same kind of handwriting, and they are photostats
27 of the handwriting in 52, so I think we can assume that Grand
28 Jury Exhibit Number 50 is a copy of Grand Jury Exhibit Number

1 52.

2 A Yes, I see that.

3 Q Now, having examined these documents, can you
4 recall whether the documents which Mr. Christian had had the
5 same kind of notations in the upper right-hand corner that
6 you see in these two documents in front of you?

7 A I don't recall. I don't recollect that there
8 were.

9 Q Have you ever had occasion to discuss with
10 Mr. Christian his admission to you about "borrowing" certain
11 pages from the Clerk's Office?

12 A I kidded him about it.

13 Q When was this?

14 A Probably in this last meeting I had with him.

15 Q What was said at that discussion, sir?

16 A At that time I believe I knew there was some
17 sort of an official inquiry in progress about the Clerk's
18 Office and the availability of the exhibits and whether any
19 evidence had been taken or tampered with and I said, laughing-
20 ly, something about how slovenly the security at the Clerk's
21 Office was, that anybody could have taken something or
22 substituted anything and I laughed about it.

23 Mr. Christian laughed and I said something to
24 the effect, I think, "I think we both know it's easy to slip
25 some notebook pages out of the Clerk's Office, isn't it,
26 John?"

27 The implication was that I was charging him with
28 taking some stuff, but he denied it.

1 He said, "What do you mean?"

2 Q When Mr. Christian first had this conversation
3 with you about taking of certain pages from the Clerk's Office
4 in connection with the Sirhan notebooks, did he tell you
5 whether he had done so?

6 A No, he didn't actually say so.

7 He spoke about borrowing, but I do know that he
8 wanted to get as much material as he could get his hands
9 on.

10 Q Referring to the documents that made up the
11 evidence in the Sirhan case, did you have in mind that one
12 could pay a certain fee, 50 cents a page, and get duplicates
13 of whatever we have here?

14 A Right.

15 I'm not so sure, but I get the implication that
16 certain pages now missing from these documents, and perhaps
17 you think that Mr. Christian did take them.

18 I would like to say the mere fact that
19 Mr. Christian tells me that he took some documents doesn't
20 mean to me proof that he did, because he is just a big
21 bull-shitter and he would boast that he did something, but
22 whether he did or not is another question.

23 Q I think we appreciate that, but I think it is
24 up to the members of the jury to evaluate your testimony
25 in that regard.

26 I have in mind as we sit here that there are
27 pages missing.

28 All you can tell us is that the pages he showed

1 you looked something like the pages that we have here?

2 A Yes.

3 Q Which of these two exhibits would you say they
4 looked like?

5 Would you say they looked like the photostats
6 in Exhibit 52 or the photostats in Exhibit 50?

7 Which of those bears the most resemblance to
8 the pages that he showed you?

9 A Well, it looks to me like this exhibit 50 here
10 is more like what he had, but I would say that I'm not
11 certain about that, either.

12 MR. HECHT: All right; I have nothing further.

13 THE FOREMAN: Any questions to be addressed to this
14 witness?

15 If so, please write them out and they will be
16 directed to the witness through the Deputy District
17 Attorney.

18 Apparently not.

19 I'd like to caution you not to discuss or impart
20 at any time, outside of this jury room, the questions that
21 were asked of you in regard to this matter, or your answers,
22 until authorized by this Grand Jury or the Court to discuss
23 or impart such matters.

24 You will understand that a violation of these
25 instructions on your part may be the basis for a charge
26 against you of contempt of court.

27 Do you understand that?

28 THE WITNESS: I do.

1 (Thereupon, the witness, Robert B. Kaiser, was then
2 escorted from the Grand Jury Hearing Room by the Sergeant
3 At Arms.)

4 MR. HECHT: Mr. Floyd B. Nelson.

5 (Thereupon, the witness, Floyd B. Nelson, was then
6 escorted into the Grand Jury Hearing Room by the Sergeant
7 At Arms.)

8
9
10 FLOYD B. NELSON,
11 called as a witness before the Grand Jury, was duly sworn as
12 follows:

13 THE FOREMAN: You do solemnly swear that the
14 evidence you shall give in this matter now pending before
15 the Grand Jury of the County of Los Angeles shall be the
16 truth, the whole truth, and nothing but the truth, so help
17 you God?

18 THE WITNESS: I do.
19
20

21 EXAMINATION

22 BY MR. HECHT:

23 Q Mr. Nelson, what is your business or occupation,
24 sir?

25 A I'm a janitor.

26 Q Where are you employed, sir?

27 A At the Veterans' Hospital at Brentwood.

28 Q May we have a precise address, for the record?

1 A It's on Wilshire Boulevard, at Veterans Avenue.
2 You can't miss it.

3 It's a big complex just west of the freeway on
4 Wilshire Boulevard.

5 Q Is that the Brentwood Neuro-Psychiatric
6 Hospital?

7 A Yes, I guess so.

8 Q How long have you been working there?

9 A Since February.

10 Q What did you do before that?

11 A Before that I was on a sailboat.

12 Q Mr. Nelson, I invite your attention to the case
13 of Sirhan Bishara Sirhan.

14 Have you been interested in that case ever since
15 it first developed?

16 A Yes.

17 Q Do you belong to any particular group in connec-
18 tion with that case that has been making inquiries as to the
19 circumstances surrounding the death of Senator Kennedy?

20 A Yes, I have.

21 Q What is the name of that group?

22 A That is the Kennedy Assassination Truth
23 Committee.

24 Q Can you tell us when that was formed, to your
25 knowledge?

26 A That was formed in January of '68.

27 Q Were you one of the original founding members?

28 A I went to the first few meetings.

1 Q Are you still a member of that group?

2 A It is pretty much inactive now.

3 Q What was the avowed purpose, or the ostensible
4 purpose of that group, as you understood it, when you went
5 there?

6 A We were interested in finding out, we suspected
7 that there were other people involved in the killing of
8 Robert Kennedy, and our interest was to bring pressure to
9 open the matter to find out whether that was true or not.

10 Q Do you know Mrs. Lillian Castellano?

11 A Yes.

12 Q As a matter of fact, did you expect to come down
13 with her this morning?

14 A She suffered a heart attack and I had to take her
15 to the hospital and that's why she couldn't be here.

16 Q Is she all right now?

17 A When I left she was improved.

18 Q Was any prognosis given you at the time that you
19 left?

20 A I haven't had a chance to get that.

21 Q To your knowledge is Mrs. Castellano a member of
22 the Kennedy Assassination Truth Committee?

23 A Yes, she is.

24 Q After Sirhan Bishara Sirhan was convicted, did
25 you have occasion to make one or more visits to the Clerk's
26 Office on the 4th Floor of this building?

27 A I went there once on June 5th, Thursday, June
28 5th.

1 Q I invite your attention to Grand Jury Exhibit
2 Number 5 which purports to be a photograph of a slightly
3 smaller document which we call an exhibit viewing slip.

4 Do you recognize that document?

5 A Yes.

6 Q What do you recognize about it?

7 A Well, I thought it out when we went there. I
8 can recognize my printing.

9 Q Who went there with you?

10 A Lillian Castellano.

11 Q What was your purpose in going there?

12 A Mr. Younger had gone on television, I think that
13 was a few days before, and said that everything would be
14 available to the public to see, and I just wanted to see what
15 was available.

16 Q What did you find was available?

17 A Very little.

18 Q What did you ask for?

19 A We were interested in the material concerning the
20 car.

21 Sirhan was alleged to have a key to a car owned
22 by a hotel kitchen worker and we wanted to look at that.

23 Of course we wanted to see anything we could,
24 to get an idea what was important, because we really didn't
25 have any idea, as yet; we just had some suspicions.

26 Q Can you tell us, Mr. Nelson, whether, on your
27 visit to the Clerk's Office, you were shown photocopies of
28 exhibits or any of the original exhibits themselves?

1 A We were shown some Xerox copies.

2 Q Did you take time to examine what was shown?

3 A As I recall we didn't have too much time to look
4 at it.

5 Q Were you shown copies of Mr. Sirhan's notebooks?

6 A Yes.

7 Q Were they originals or copies?

8 A I believe they were Xerox copies.

9 Q Now, you told us that you made a request or you
10 asked permission to examine the exhibits in the Sirhan
11 case at the County Clerk's Office.

12 There is no entry here as to what exhibits you
13 asked for.

14 Were you able to communicate precisely what it
15 was that you wanted, without having it put on the exhibit
16 viewing slip that you filled out?

17 A Well, I talked to him verbally, just verbally.

18 Q You indicated to him verbally what you wanted?

19 A Yes.

20 Q Did they respond?

21 Did the person who was waiting upon you respond
22 to your verbal request?

23 A They said that the majority of it, that the
24 District Attorney's Office was still working and they were
25 Xeroxing copies and things weren't in any condition to be
26 viewed but there were a few things available that they showed
27 us.

28 Q Was Mrs. Castellano with you at that time?

1 A Yes, sir.

2 Q How long did you spend in the Clerk's Office on
3 that visit?

4 A Oh, maybe one hour.

5 Q And was it a man or woman who waited on you,
6 if you remember?

7 A A woman and a man; it was a clerk, I guess one
8 of them, and then, later on, a man who talked to us for a
9 moment and then he left.

10 Q Without suggesting that there was any impropriety
11 in your going to see these exhibits, can you tell me if,
12 during the time that you examined the exhibits was any repre-
13 sentative of the Clerk's Office standing by there at the time
14 you were looking through them?

15 A Well, when you enter the Clerk's Office there is
16 a counter --

17 Q There's a diagram right behind you, if that shows
18 that.

19 A Yes; that's a counter, and we came over here and
20 then we took them over to the table to look at them.

21 Q When you were looking at the table, was that out-
22 side of the counter where you were looking at them?

23 A Yes.

24 Q Was there also someone at the counter watching
25 what you were doing?

26 A Well, there was somebody at the counter but I
27 don't know if he was watching us.

28 Q Was the person at the counter occupied with other

1 persons while you were looking at the material?

2 A I really don't know.

3 Q When you have some idea when Mrs. Castellano
4 will be able to be down here could you please call my office
5 and tell me?

6 A Yes, I will.

7 She made a request of me that she wanted me to
8 present the Grand Jury with the material that we had been
9 working on and some of it hasn't been published.

10 Q May I examine this?

11 A We have copies.

12 Q Was that in connection with the press conference
13 held the other day?

14 A Yes.

15 This is pretty much the work that was done.
16 I know it's part of her records but she said you were to
17 have it.

18 Q Why don't you hold onto it, and perhaps
19 Mrs. Castellano can tell us about it if she's able to get
20 down here.

21 Thank you; I have no further questions.

22 THE FOREMAN: Any further questions?

23 Apparently not.

24 I'd like to caution you not to discuss or impart
25 at any time, outside of this jury room, the questions that
26 were asked of you in regard to this matter, or your answers,
27 until authorized by this Grand Jury or the Court to discuss
28 or impart such matters.

1 You will understand that a violation of these
2 instructions on your part may be the basis for a charge
3 against you of contempt of court.

4 Do you understand that?

5 THE WITNESS: I do.

6 (Thereupon, the witness, Floyd B. Nelson, was then
7 escorted from the Grand Jury Hearing Room by the Sergeant
8 At Arms.)

9 MR. HECHT: Mrs. Joyce Shannon.

10 (Thereupon, the witness, Joyce M. Shannon, was then
11 escorted into the Grand Jury Hearing Room by the Sergeant
12 At Arms.)

13
14
15 JOYCE M. SHANNON,
16 recalled as a witness before the Grand Jury, was previously
17 duly sworn, was examined and testified further as follows:
18

19
20 EXAMINATION (CONTINUED)

21 BY MR. HECHT:

22 Q Mrs. Shannon, I've just placed a Grand Jury
23 Exhibit Slip marking a letter as Grand Jury Exhibit Number
24 55.

25 MR. HECHT: May that be so marked?

26 THE FOREMAN: It will be so marked.

27 BY MR. HECHT:

28 Q Will you please take a look at that letter and the

1 envelope and tell me if you have ever seen it before?

2 A Yes, I have.

3 Q When was it that you first saw it?

4 A Yesterday.

5 Q Where was it when you first saw it?

6 A It came into the office, to my desk, through
7 the United States Mail.

8 Q Did you then open it?

9 A Yes, I did.

10 Q Would you take a look at that letter and tell me
11 if that letter was inside that envelope?

12 A Yes, it was.

13 MR. HECHT: Mr. Foreman, with your permission, having
14 in mind that I believe the letter is addressed to you, may
15 the letter be read into the record?

16 THE FOREMAN: Yes, it may be read into the record.

17 The record may also show that Mrs. Shannon has
18 permission to open all mail addressed to Foreman of the Grand
19 Jury.

20 MR. HECHT: Would you like to read it or shall I read
21 it?

22 THE FOREMAN: You may read it, if you please,
23 Mr. Hecht.

24 MR. HECHT: (Mr. Hecht reads Exhibit 55, as
25 follows:)

26 "August 14, 1971

27 "Mr. Leo D. Epstein

28 "Foreman of the Grand Jury

1 "Room 548 - Hall of Justice

2 "Los Angeles, California

3 "Dear Foreman Epstein:

4 "I have been informed by the District Attorney's
5 Office that I have been requested to appear before
6 your jury on the morning of August 18, 1971. Un-
7 fortunately, business obligations of a non-
8 cancellable nature preclude my appearing as
9 requested, as I will be away for the next three
10 or so weeks.

11 "However, inasmuch as I wish to cooperate as
12 fully as possible under the circumstances, let
13 me reiterate my position on the relevant matter
14 as I did some two weeks ago to District Attorney
15 investigators Lightner and Burnett:

16 "1. In my half-dozen or so visits to the County
17 Clerk's Office during the 1969-70 period, at
18 no time did I ever see or touch any of the
19 'hard' exhibits in question, nor any others;
20 the singular interest I had in the case dealt
21 with certain witness interviews conducted by
22 various law enforcement agencies, which were
23 placed in the court record after the Sirhan
24 trial and not precluded from examination by
25 any court order at any time.

26 "2. At no time did I ever enter any unauthorized
27 areas within the County Clerk's Office, nor
28 did I ever witness any other unauthorized

party doing so.

"3. At no time did I ever witness any un-professional behavior on the part of any employee of the County Clerk's Office; to the contrary, it was my experience that all employees with whom I came in contact during my visits there handled themselves with the utmost of responsibility and diligence.

"4. I am aware of no one who has handled any 'hard' exhibits, other than those reported in recent newspaper and broadcast accounts.

"If you require any further information about the aforementioned matter, my lawyer, former Chief Deputy Attorney General Charles A. O'Brien, is fully able to speak for me in my absence; you may contact him through either his Los Angeles (485-0668) or San Francisco (213-433-5300) offices.

"Thank you for your consideration of my position in this matter.

"Sincerely yours,

"Jonn G. Christian

"cc: Charles A. O'Brien

"County Clerk, Los Angeles

"District Attorney, Los Angeles."

I have nothing further of this witness.

THE FOREMAN: Does any member of the Grand Jury have any questions to direct to this witness?

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If so, please write them out and they will be directed to the witness through the Deputy District Attorney.

Apparently not.

Thank you for coming in, Mrs. Shannon.

Again, there is no need to instruct you about the necessity for secrecy of your testimony before this Grand Jury.

(Thereupon, the witness, Joyce M. Shannon, was then escorted from the Grand Jury Hearing Room by the Sergeant At Arms.)

MR. RECHT: Mr. Burnett.

(Thereupon, the witness, William Burnett, Jr., was then escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

WILLIAM BURNETT, JR.,

called as a witness before the Grand Jury, was duly sworn as follows:

THE FOREMAN: You do solemnly swear that the evidence you shall give in this matter now pending before the Grand Jury of the County of Los Angeles shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

EXAMINATION

1
2 BY MR. HECHT:

3 Q Mr. Burnett, what is your business or occupa-
4 tion?

5 A Investigator for the County of Los Angeles,
6 District Attorney's Office, Bureau of Investigation.

7 Q Mr. Burnett, are you one of the investigators
8 on the current investigation?

9 A Yes, I am.

10 Q As far as the man named John Christian, did I,
11 a number of weeks ago, indicate to you that I would like to
12 have Mr. Christian present during this Grand Jury Hearing?

13 A Yes, you did.

14 Q And as a result of that did you make some effort
15 to locate Mr. Christian?

16 A Yes, I did.

17 Q What efforts did you make?

18 A I located Mr. Christian and interviewed him on
19 July 26, 1971.

20 Q Where did that interview take place?

21 A At Nickodell's, on Melrose, I believe it is.

22 Q Now, at the time you had the interview with
23 Mr. Christian, had you yet met and spoke with Mr. Robert
24 Kaiser?

25 A Prior to this time I believe I had not.

26 Q Did you subsequently contact Mr. Kaiser?

27 A Yes, I did.

28 Q During the conversation with Mr. Kaiser, did he

1 state to you or did he make any reference as to any statement
2 that was made by Mr. Christian in connection with the alleged
3 taking of documents from the Clerk's Office in connection with
4 the Sirhan case?

5 A Yes, he did.

6 Q Did you have that information at the time you
7 interviewed Mr. Christian?

8 A I did not.

9 Q You only acquired that information after you
10 interviewed Mr. Christian?

11 A Yes, that's right.

12 Q At the time you spoke to Mr. Christian, was he
13 alone?

14 A No, he was with Mr. Ken Krasny, I believe, a
15 newsman, and another individual whose name I don't remember.

16 Q At that time did you sit down and have a conversa-
17 tion with Mr. Christian?

18 A At that time I did.

19 Q At that time was Mr. Christian shown a number of
20 exhibit viewing request forms and asked if he had made visits
21 to the Clerk's Office on the 4th Floor in this building?

22 A Yes, he did. I asked him if he completed those
23 exhibit review forms and he looked at the forms and indicated
24 that he had.

25 Q Did he state whether or not he had been down to
26 the County Clerk's Office and had completed the forms request-
27 ing certain exhibits that were indicated on the forms?

28 A Yes, he did.

1 Q Were these the exhibit reviewing forms, or copies
2 of them you had obtained in connection with the Sirhan case?

3 A Yes, that's correct.

4 Q Do you remember how many separate viewing forms
5 you had?

6 A The exact number I don't recall but I believe it
7 may have been five or six.

8 Q Did you write a report about that interview?

9 A Yes, I did.

10 Q Is this a copy of that report?

11 A Yes, it is.

12 Q Would you take a look at that report and refresh
13 your recollection?

14 A (The witness complies with counsel's request.)

15 Q This is a copy of the original report concerning
16 Mr. Christian?

17 A Yes, it is.

18 Q At any time during this interview did
19 Mr. Christian indicate to you there were more times he had
20 visited the Clerk's Office in connection with the Sirhan
21 case than the number of exhibit viewing slips you had shown
22 to him?

23 A Yes, sir, he remarked he believed that he was
24 there many more times than the slips that we had showed him.

25 In fact, his exact words were, "Are these all
26 you have?"

27 Q What did you say?

28 A I said, "Yes."

1 Q What else was said by yourself and Mr. Christian
2 during this interview?

3 A We discussed why he had gone down to view the
4 exhibits.

5 We asked him if he had seen any of the original
6 exhibits, the hard exhibits.

7 He indicated he had not, that he had seen the
8 Xerox copy exhibits.

9 Q Did he indicate to you how he had come to go to
10 the County Clerk's Office?

11 A He stated that he had contacted Deputy Chief
12 Houghton of the Los Angeles Police Department who had
13 arranged for him to go over and see the exhibits.

14 He had been there on one occasion and had been
15 refused to see the exhibits, that they were not ready then and
16 that he contacted Houghton.

17 Q Did he indicate whether he was ever given exhibits,
18 whether he saw any of the original exhibits in the case?

19 A He did not.

20 Q Did Mr. Christian indicate to you whether he
21 purchased any duplicating services from the County Clerk's
22 Office in connection with any of the documentary evidence?

23 A He had indicated that he had purchased some but
24 the cost of 50 cents per copy was quite exorbitant and he
25 had proceeded to review the exhibits later on and had dictated
26 into his tape recorder.

27 MR. HECHT: I've nothing further from this witness at
28 this time.

1 THE FOREMAN: Are there any questions to be directed
2 to this witness by any member of the Grand Jury?

3 If so, please write them out and they will
4 be directed to the witness through the Deputy District
5 Attorney.

6 MR. HECHT: I do have a question.

7
8
9 EXAMINATION (CONTINUED)

10 BY MR. HECHT:

11 Q One of the Grand Jurors has asked the question
12 whether or not it is common for the District Attorney's
13 investigators to conduct interviews in the presence of
14 newsmen.

15 Let me back up and ask you:

16 You indicated a Mr. Ken Krasny was present?

17 A That's correct.

18 Q To your knowledge is he affiliated with the
19 local staff of one of the news media?

20 A Yes.

21 Q Was it your plan that Mr. Krasny be present at
22 this interview?

23 A It was not.

24 I had contacted Mr. Christian earlier on the
25 telephone and requested a meeting at any location he would
26 suggest.

27 He suggested Nickodell's and I said fine and
28 the time was set.

1 My partner and I arrived at Nickodell's and I
2 had never met Mr. Christian prior to that time.

3 He said he would be wearing a beard and a turtle-
4 neck sweater and we located him to the back of the restaurant.

5 When we approached him, he had these two
6 individuals and he had a tape recorder and he made it quite
7 clear at the time that anything that he said was going to
8 be re-broadcast during some news report.

9 He made it quite clear that he was willing to
10 discuss anything with us, but it had to be tape recorded.

11 Q Mr. Christian had the tape recorder?

12 A Yes, Mr. Christian did.

13 Q And Mr. Christian insisted on having the
14 conversation in the presence of these individuals?

15 A Yes.

16 Q And in tape recording the conversation?

17 A Yes.

18 MR. HECHT: All right; that's all.

19 Thank you.

20 THE FOREMAN: Any further questions?

21 Apparently not.

22 I'm sure you don't need the admonition as to the
23 secrecy of your testimony before the Grand Jury, either.

24 Thank you for testifying.

25 (Thereupon, the witness, William Burnett, Jr., was
26 then escorted from the Grand Jury Hearing Room by the Sergeant
27 At Arms.)

28 MR. HECHT: Mr. Gregory Roberts, please.

1 (Whereupon, the witness, Gregory E. Roberts, was then
2 escorted into the Grand Jury Hearing Room by the Sergeant
3 At Arms.)
4

5
6 GREGORY E. ROBERTS,
7 called as a witness before the Grand Jury, was duly sworn
8 as follows:

9 THE FOREMAN: You do solemnly swear that the
10 evidence you shall give in this matter now pending before
11 the Grand Jury of the County of Los Angeles, shall be the
12 truth, the whole truth, and nothing but the truth, so help
13 you God?

14 THE WITNESS: I do.
15
16

17 EXAMINATION

18 BY MR. HECHT:

19 Q Mr. Roberts, could you please speak a little
20 louder and speak directly into the microphone.

21 Mr. Roberts, what is your business or occupation?

22 A I am presently unemployed.

23 Q When you do work, what kind of work do you do?

24 A I'm not -- I haven't been trained or skilled in
25 anything.

26 Q Can you give us your home address?

27 A Yes.

28 Q May we have that, please?

1 A 316 South Berendo.

2 Q Is that in Los Angeles?

3 A Yes.

4 Q Do you have a telephone number?

5 A No.

6 Q Mr. Roberts, did you have occasion to come down
7 to the Clerk's Office in connection with a desire to see any
8 of the exhibits or copies of the exhibits in the Sirhan case?

9 A Exhibits, is that what you're asking?

10 Q Yes.

11 A No, I never seen the exhibits or handled them.

12 Q Let me rephrase my question so that it will become
13 clear.

14 Did you have a desire to come down to the Clerk's
15 Office to look at the exhibits or copies of the exhibits?

16 A Yes, copies of certain exhibits.

17 Copies of all exhibits were not available.

18 Q Let me interrupt for a moment. You don't have a
19 tape recorder in your brief case?

20 A No; should I bring one?

21 Q No, but I just want to know if you have one.

22 A No, I don't.

23 Would you like to look in it?

24 Q I don't believe that's necessary.

25 Mr. Roberts, I show you Grand Jury Exhibit Number
26 35 and 36.

27 Would you take a look at them and they appear to
28 be photographs of somewhat smaller documents, and tell me if

1 you recognize those two documents?

2 A Yes, I do.

3 Q What do you recognize in them?

4 A My handwriting and the handwriting of another
5 clerk or representative of the Clerk's Office.

6 Q Did you, in fact, come down to the Clerk's Office
7 on the date that is indicated on those two slips?

8 A Yes, I believe I did.

9 Q That's June 16, 1971?

10 A Evidently so.

11 Q Do you have an independent recollection of doing
12 so?

13 A Yes, I believe that is the date.

14 Q There appear to be a great number of exhibit
15 numbers on this slip.

16 Did you list the numbers on that slip?

17 A Some; but not all.

18 Q Did you give the numbers to the representative
19 of the Clerk's Office?

20 A Yes.

21 Q Where did you get the information to put on there?

22 A The representative of the Clerk's Office,
23 Mr. Ken Buckley, he had a list, a photostatic list and he
24 says, "These are the appropriate files that you can look
25 at or copies of the appropriate files that you can look at."

26 I didn't look at all of them but I did look at
27 these photos.

28 Q How long did you spend there?

1 A Well, let's see, approximately, about, two
2 hours.

3 Q During the two hours' time you were there --
4 incidentally, did you come in by yourself?

5 A Yes, I did.

6 Q During the two-hour period of time you were there,
7 were you being watched or supervised by anybody from the
8 Clerk's Office?

9 A Oh, yes.

10 Q Now, do you have any connection at all with the
11 Warren Commission, or a clerk of the Warren Commission?

12 A The Warren Commission of the United States
13 Government?

14 Q Yes.

15 A No.

16 Q Have you ever represented to anyone you had some
17 connection with the clerk working for the Warren Commission?

18 A No.

19 Q Does my question come as a surprise to you?

20 A Well, I assume that you're talking about some
21 representation that someone made to you.

22 I may have said something about getting some
23 information from the Warren Commission.

24 I get information from everybody.

25 Q Did you ever get any information from anybody
26 from my office?

27 A I don't think I know who you are.

28 Q My name is Dick Hecht, and I'm with the District

1 Attorney's Office.

2 Did you ever engage in conversation with the
3 District Attorney's Office where you made statements about
4 your connection, or alleged connection, with the clerk of
5 the Warren Commission?

6 A I didn't tell them that.

7 I told them I had an interest in the findings
8 of the Warren Commission.

9 Q When this case, the Robert Kennedy case
10 investigation started to break, did you take an interest in
11 it?

12 A Well, in the similar historical context, as his
13 brother's assassination.

14 I did some reading on the articles that were
15 written about it.

16 MR. HECHT: All right; that is all.

17 Thank you very much for coming down.

18 THE FOREMAN: Any questions to be directed to the
19 witness from any member of the Grand Jury?

20 If so, please write them out and they will be
21 directed to the witness through the Deputy District
22 Attorney.

23 BY MR. HECHT:

24 Q On the exhibit slip there appear to be numbers
25 of the ballistics evidence in the case which you re-
26 quested.

27 Do you recall whether you were shown photographs
28 of those particular materials, that is, the original ballistics

1 material, or were you shown the original ballistic materials
2 itself?

3 A Well, I don't know. I don't remember.

4 All I can say is that they didn't have anything
5 original. They were all copies.

6 Q Did they have copies of Sirhan's gun, and things
7 like that?

8 A No, I don't think that, but I think what I saw
9 were all copies.

10 MR. RECHT: Thank you.

11 Nothing further.

12 THE FOREMAN: Anything further?

13 Apparently not.

14 I'd like to caution you not to discuss or impart
15 at any time, outside of this jury room, the questions that
16 were asked of you in regard to this matter, or your answers,
17 until authorized by this Grand Jury or the Court to discuss
18 or impart such matters.

19 You will understand that a violation of these
20 instructions on your part may be the basis for a charge
21 against you of contempt of court.

22 Do you understand that?

23 THE WITNESS: I do.

24 (Thereupon, the witness, Gregory E. Roberts, was then
25 escorted from the Grand Jury Hearing Room by the Sergeant
26 At Arms.)

27 THE FOREMAN: We'll take a short recess.

28 (Short recess.)

1 THE FOREMAN: Let the record show the Grand jurors
2 have reassembled and the court reporter is present.

3 You may proceed, Mr. Hecht.

4 MR. HECHT: Mr. Burnett, please.

5 (Thereupon, the witness, William Burnett, Jr., was
6 then escorted into the Grand Jury Hearing Room by the
7 Sergeant At Arms.)
8
9

10 WILLIAM BURNETT, JR.,
11 recalled as a witness before the Grand Jury, was previously
12 duly sworn, was examined and testified further, as follows:
13
14

15 EXAMINATION (CONTINUED)

16 BY MR. HECHT:

17 Q Mr. Burnett, what efforts have you made to locate
18 Mr. Christian in connection with this current investigation?

19 A Following the interview with Mr. Christian I
20 advised him at that time we wanted him to testify before the
21 Grand Jury.

22 Q Did you have a subpoena with you at that time?

23 A I did not; otherwise I would have served him.

24 Q What did you do then?

25 A On August 9, 1971, I called him at the phone
26 number 659-3969 and I explained to him we needed him to
27 testify at the Grand Jury on Wednesday, the 18th of August,
28 at approximately 10:00 A.M.

1 He said, "Fine."

2 I said, "Where can I meet you? I have a subpoena
3 for you."

4 He said, "There is no need to do that. I'll be
5 there." He said, "Why don't you mail it to me, and I will
6 appear."

7 I said, "I don't know your address," and he said,
8 "Mail it to Post Office Box 2445 West Hollywood, Los
9 Angeles."

10 I said, "Fine."

11 I said, "Will you call me later on if you have
12 any problems?"

13 He said, "Certainly."

14 I had the secretary then mail out the subpoena
15 that evening.

16 I have not seen or heard from Mr. Christian other
17 than a copy of the letter that I received this morning.

18 Q Take a look at Grand Jury Exhibit Number 55.

19 Was that a letter, a copy of which you received?

20 A It is.

21 MR. HECHT: I have nothing further.

22 THE FOREMAN: Any questions to be asked of this witness
23 by any member of the Grand Jury?

24 If so, please write them out and they will be
25 directed to the witness through the Deputy District Attorney.

26 Apparently not.

27 I need not caution you about the need for the
28 secrecy of your testimony before the Grand Jury, Mr. Burnett.

1 You may be excused and thank you for coming
2 in.

3 (Thereupon, the witness, William Burnett, Jr., was
4 then escorted from the Grand Jury Hearing Room by the
5 Sergeant At Arms.)

6 MR. HECHT: Mr. Kimbrough.

7 (Thereupon, the witness, Jack Kimbrough, was then
8 escorted into the Grand Jury Hearing Room by the Sergeant
9 At Arms.)

10
11
12 JACK KIMBROUGH,
13 called as a witness before the Grand Jury, was duly sworn as
14 follows:

15 THE FOREMAN: You do solemnly swear that the
16 evidence you shall give in this matter now pending before
17 the Grand Jury of the County of Los Angeles shall be
18 the truth, the whole truth, and nothing but the truth, so
19 help you God?

20 THE WITNESS: I do.

21
22
23 EXAMINATION

24 BY MR. HECHT:

25 Q Mr. Kimbrough, what is your business or occupa-
26 tion?

27 A I'm a brewery worker.

28 Q Where do you work?

1 A Joseph Schlitz Company; that's outside of
2 San Fernando Valley, in Van Nuys.

3 Q Directing your attention to the case of People
4 versus Sirhan Bishara Sirhan, have you ever come to the
5 County Clerk's Office, located on the 4th Floor of this
6 building, in an effort to see any of the exhibits or copies
7 of the exhibits that were kept on file there?

8 A Yes.

9 Q May I inquire, what was your motivation in
10 doing so?

11 A Well, I was doing leg work for Mrs. Castellano.
12 She is conducting an investigation, and she
13 has a physical problem that she can't get around very
14 much.

15 There was the testimony by what's his name -- I
16 forget -- but he had been down and seen the stuff and he didn't
17 get the copies of that particular testimony.

18 So she wanted it and both of us worked days, so
19 I could never make it down and then I was on vacation and I
20 came back two days early, so I had the time, and I came down
21 to get them for her.

22 Q Was that for the Kennedy Assassination Truth
23 Committee?

24 A Yes, it is.

25 Q And you are a member of that group?

26 A Yes.

27 Q Is that a reasonably active group?

28 A I don't think so.

1 Q How many times did you come down to the Clerk's
2 Office?

3 A I was down there, but they gave me a run around.
4 I called Lillian, and then I would go up and come back and I
5 was there some more time.

6 Q You say you were given the run around?

7 A Yes.

8 They had it all by names and I don't remember
9 what it was but the Court Order specified that duplication of
10 all the exhibits, like you can duplicate it, but not like
11 the gun and things like that.

12 That wasn't what she was interested in and I
13 called her and she told me and I went back up there and
14 they showed me a list of these names that I was interested in
15 and there were only four or five that I wanted and they
16 hadn't been duplicated.

17 The Court Order was that they were to duplicate
18 them, but the Clerk had simply neglected to do it.

19 You know, clerical error -- and, well, you can't
20 start a fight, you know, with the clerk, if he won't let you
21 see them, he won't let you see them.

22 So I got copies of that order where the names
23 were missing and the exhibit numbers, and that was it, so I
24 went home.

25 Q When you say "they", you're talking about the
26 personnel of the Clerk's Office that you had contact with
27 on that day?

28 A Yes; various clerks and the assistant in charge

1 and so on.

2 Q I direct your attention to Grand Jury Exhibit
3 Number 29 which bears the date of June 25th.

4 Is that your handwriting?

5 A It looks like it.

6 Q Does it look like June 25th?

7 A Yes, it does.

8 Q Let me call your attention to Exhibit Number 30.
9 That also has your name and the same date?

10 A Yes.

11 Q And those two dates are the same, June 25th, on
12 both of these exhibit review forms?

13 A Yes.

14 Q And what was the purpose of your filling them
15 out? Were you told to do so?

16 A They said you had to do it, and it would seem
17 reasonable enough.

18 Q Were you actually shown anything?

19 A No.

20 Q And you filled out the two forms?

21 A Well, it isn't really true that I didn't see
22 nothing.

23 They brought an envelope with a bunch of names
24 on it and I said, "Well, what is that?"

25 I could tell it wasn't the testimony of what's
26 his name, Booker Griffith, that was the guy she wanted.

27 So I said, "This guy has nothing to do with the
28 trial."

1 It turned out that was the number, I guess, for
2 the Grand Jury.

3 Well, I said, "I didn't ask for this", and it
4 was sort of a stalemate, because all I did get to see was
5 this list of Grand Jury names.

6 Q But you had to fill out two exhibit cards?

7 A I kept on going back and at one point they said
8 I would have to fill out another again.

9 Q And you did?

10 A That's right.

11 MR. HECHT: I have nothing further.

12 THE FOREMAN: Any questions to be directed to this
13 witness?

14 Apparently not.

15 I'd like to caution you not to discuss or impart
16 at any time, outside of this jury room, the questions that
17 were asked of you in regard to this matter, or your answers,
18 until authorized by this Grand Jury or the Court to discuss
19 or impart such matters.

20 You will understand that a violation of these
21 instructions on your part may be the basis for a charge
22 against you of contempt of court.

23 Do you understand that?

24 THE WITNESS: I do.

25 MR. HECHT: May I ask just one question?

26 THE FOREMAN: Certainly.

27 BY MR. HECHT:

28 Q You have the date of June 25th on both these

453
1 exhibit slips.

2 What was the year, if you recall, sir?

3 A I guess it's down there.

4 Q Do you know the year?

5 A It was this year.

6 Q 1971?

7 A Yes, that's right.

8 Q Just a few months ago?

9 A That's right.

10 MR. HECHT: All right; that's all I have.

11 (Thereupon, the witness, Jack Kimbrough, was then
12 escorted from the Grand Jury Hearing Room by the Sergeant
13 At Arms.)

14 MR. HECHT: Mr. Charach.

15 (Thereupon, the witness, Theodore R. Charach, was then
16 escorted into the Grand Jury Hearing Room by the Sergeant
17 At Arms.)

18
19
20 THEODORE R. CHARACH,
21 called as a witness before the Grand Jury, was duly sworn as
22 follows:

23 THE FOREMAN: You do solemnly swear that the
24 evidence you shall give in this matter now pending before
25 the Grand Jury of the County of Los Angeles shall be the
26 truth, the whole truth, and nothing but the truth, so help
27 you God?

28 THE WITNESS: I do.

EXAMINATION

1
2 BY MR. HECHT:

3 Q Mr. Chazach, I have just examined your tape
4 recorder. Was that on when you were brought in?

5 A No, it was not.

6 Q Do you have any other tape recorder on you?

7 A No, I don't, sir.

8 Q What is your business or occupation, sir?

9 A I am an artist in communications and theatrical
10 art, a newsman and documentarian.

11 Q Do you work, or are you connected with any
12 particular organization?

13 A My own organization.

14 Q What is the name of that?

15 A Tele-communications.

16 Q Where is that located?

17 A 4133 Laurel Grove Avenue.

18 Q And your address?

19 A 2721 Nichols Canyon.

20 Q Do you know a Mr. William Harper?

21 A Very well, sir.

22 Q Have you ever employed Mr. William Harper in any
23 capacity?

24 A I engaged him, yes, with regard to my
25 investigation of the Robert Kennedy Assassination.

26 Q When you say you engaged him, did that engagement
27 begin approximately sometime in July of 1970?

28 A Approximately, yes.

1 Q Were there any fee arrangements made between
2 yourself and Mr. Harper?

3 A No.

4 Q When you say you engaged him, precisely what do
5 you have reference to?

6 A I told him I was very disturbed by certain
7 elements which I have uncovered in my investigation of the
8 case in 1968, and I asked him to look into this matter, based
9 on his professional experience and as a concerned citizen,
10 and based on the fact he was a 35-year veteran criminalist.

11 I was told by Mr. Grant Cooper that he was that
12 kind of man, a dedicated citizen, who, if he believed me, would
13 do everything in his power for the American people honestly,
14 and if he didn't believe me he would say, "Mr. Charach, thank
15 you and good-bye."

16 Q That is what you consider as having engaged
17 Mr. Harper?

18 A Yes, sir.

19 Q Is this your material here?

20 A This belongs to the Office of the District
21 Attorney, but is a copy that was given to me.

22 Q Did you bring it here today?

23 A Yes.

24 Q I just want to make sure it is your material,
25 and if so, I want to make sure that you get it back.

26 That's the only reason I asked you about it.

27 Mr. Charach, have you had occasion to come to
28 the 4th Floor of the Clerk's Office of this building to examine

1 or inspect any of the exhibits or copies of the exhibits that
2 were maintained on the 4th Floor of this building?

3 A Yes, I have.

4 Q In regard to any particular case?

5 A Yes, the Sirhan case.

6 Q Would you look at the first document in front of
7 you, Grand Jury Exhibit Number 1, do you see the tag in the
8 upper left-hand corner that has the notation Number 1 on
9 it?

10 A Yes.

11 Q All right.

12 Do you recognize that document?

13 A It's a photostat.

14 Q Does it have your signature on it?

15 A Yes, my signature is on it.

16 Q Do you recognize that document as something you
17 had some connection with?

18 A Yes.

19 Q Can you tell us what date this document which is
20 referred to as an exhibit viewing slip, was presented to you
21 at the Clerk's Office?

22 It has a July number, but not a year.

23 A Yes, it has the July number.

24 Q Do you see the July number?

25 A Yes.

26 Q All right; since you see that July number, can
27 you tell us what date and what year?

28 A Probably this would be 1969.

1 Q Did you, in fact, come on this particular July
2 date?

3 Incidentally, what date does that look like to
4 you?

5 A It may have been around the 17th, I guess, or the
6 18th, I don't know -- maybe the 25th.

7 Q Pardon me; did you say the 25th?

8 A Yes.

9 Q Is that your handwriting?

10 A Yes; this is my handwriting.

11 Q The date, that's what I'm referring to?

12 A Yes.

13 Q And you think it's July 25th?

14 A Yes.

15 Q And the date you would have been there would have
16 been July 25, 1969?

17 A Yes, sir.

18 Q All right. Is that your handwriting on the lower
19 portion of the slip where we have certain numbers and words
20 spelled out, such as "Photo" and "Copy of notebook"?

21 A This portion here?

22 Q Yes.

23 A No, it's not.

24 Q Do you recall who placed that handwriting on there,
25 if it was placed in your presence?

26 A Again, the gentleman who was there -- but by
27 name I do not know.

28 Q Do you recall, basically, that it was an employee

1 of the Clerk's Office?

2 A Yes, it was.

3 Q Did you express precisely to him to see these
4 particular exhibits by number?

5 A Yes, I did.

6 Q Then he noted them on the exhibit slip?

7 A I believe he did, sir.

8 Q Can you tell us whether you saw each of the items
9 that is referred to at the bottom of this particular exhibit
10 slip, Grand Jury Exhibit Number 1?

11 Do you have any recollection in that regard?

12 A Well, I wouldn't know.

13 Q You wouldn't know?

14 A I wouldn't know what these numbers are.

15 Q I'm curious how these particular numbers happened
16 to be placed on this particular slip.

17 Did you go and provide these numbers to the
18 representative of the Clerk's Office?

19 A No, they gave us a list after the District
20 Attorney, Evelle Younger, announced to the American people
21 that all the exhibits would be available without reserva-
22 tion.

23 I was happy, as a reporter and as a citizen,
24 to go and ask for that list.

25 We waited patiently until they were duplicated,
26 and then they were kind enough to supply us a list, and then
27 I looked down at the list and I said, "I'm interested in
28 this and this", and they said I couldn't have those.

1 In other words, there were some exhibits they
2 wouldn't let me see, and I wasn't aware of the court order
3 at that time, and I asked, and I explained to them that I
4 was a documentarian, engaged in research work, and I asked
5 permission to photograph some of the exhibits.

6 I did photograph some of them in the Hall of
7 Justice, but they were duplicates, not original.

8 Q Was someone with you when you went to the Clerk's
9 Office on July 25, 1969?

10 A Obviously I am not a professional photographer.
11 I did bring a photographer in to photograph or duplicate
12 certain exhibits.

13 However, I might not have done that on this
14 particular date.

15 Q Do you recall how many times you came into the
16 Clerk's Office in an effort to see the exhibits, or the copies
17 of the exhibits?

18 A Many times. Maybe eight or ten.

19 Q Will you take a look at Grand Jury Exhibit Number
20 8, that is the eighth one down from the top one, and they're
21 all in sequence, or they should be.

22 Do you have that in front of you?

23 A Yes.

24 Q Do you notice the date in the upper left-hand
25 corner?

26 A July 3, 1969.

27 Q Is that date correct?

28 A Yes, it is.

1 Q On that date you went again to the Clerk's
2 Office?

3 A Yes.

4 Q Do you have an independent recollection, as you
5 sit here, of that particular visit to the Clerk's Office?

6 A I think I made several visits. I know exactly
7 what I did, yes, I have a photographic memory.

8 I didn't have this particular exhibit, you know,
9 but I recollect my conversation with the Clerk, and I had
10 notes and I made notations later.

11 But I don't know as to what these numbers refer,
12 because, you see, they are not my handwriting at the bottom.

13 Q That is one of the things I would like to know.
14 You say that is not your handwriting at the bottom?

15 A That's correct.

16 Q All right.

17 Let's turn over, if we may, to Grand Jury Exhibit
18 Number 10.

19 I see a July 14th date in the upper right-hand
20 corner.

21 Do you see the same thing there, Mr. Charach?

22 A July 14, yes.

23 Q Do you remember the year that particular viewing
24 slip was filled out by you?

25 A I believe it was 1969.

26 Q I believe there is another photograph attached to
27 this document, which is the balance of this same document,
28 the other side of the document.

1 Do you see those additional numbers?

2 A Yes, I do.

3 Q Do you recall that visit to the Clerk's Office
4 which seems to encompass a great deal of material?

5 A That may be the time that I had my photographer
6 and requested certain exhibits to be photographed.

7 That may be the occasion.

8 Q Assuming that was the time that the photographer
9 accompanied you, were you shown the original exhibits or
10 any of the original exhibits, or were you shown copies of
11 exhibits?

12 A No; I was shown photographs.

13 Q Photographs?

14 A Yes.

15 Q I notice that one of the numbers that is on
16 Grand Jury Exhibit Number 10 is Number 6 and my recollection
17 is that Number 6 introduced during the Sirhan trial was the
18 gun.

19 A Where is that?

20 Q Right here (indicating).

21 A Yes, I see.

22 Q Do you recall seeing a photograph of the gun or
23 the original gun?

24 A I saw a photograph of the gun and I photographed
25 it.

26 Q Have you ever seen any of the original exhibits
27 and by original exhibits I mean those exhibits that were
28 actually introduced during the course of Mr. Sirhan's trial at

1 any of the times or during any of the times you went to the
2 Clerk's Office, after the trial was over?

3 A The original exhibits?

4 Q Yes.

5 A No, sir, I have not; I have not seen the original
6 exhibits, to the best of my knowledge.

7 Q Would you turn over now to Exhibit Number 13?

8 A (The witness complies with counsel's request.)

9 Q Do you have that, Mr. Charach?

10 A Yes, I do.

11 Q Do you remember the date you were there on this
12 particular exhibit?

13 I notice that the exhibit itself has no date
14 except that perhaps on the bottom there appears the date
15 2-2-70.

16 A Yes, I see that.

17 Q Could that have been the date of your visit,
18 February 2, 1970?

19 A February 2, 1970 -- yes, it could have been,
20 although that is not my handwriting but, conceivably, it
21 could have been because I was conducting my research at
22 that time.

23 Q I notice on the bottom portion of that page there
24 appears to be a lot of names with the words "From
25 Ambassador".

26 Do you recall the significance of those particular
27 names insofar as your visit to the Clerk's Office on that
28 occasion was concerned?

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What were you looking for?

A When I was traveling around and going across the country, interviewing witnesses, I was concerned with the testimony that was offered --

Q Excuse me for interrupting, Mr. Charach, but could you please tell us what you were interested in insofar as these names that appear on this exhibit slip?

A I was interested in making comparison between certain statements and reports.

There were certain police reports and I was interested in making a comparison of them.

Q Were you given access to these reports when you went to the Clerk's Office on this particular day?

A Yes, under the terms of Evelle Younger's report to the American people under the date of April 28, 1969.

Q All right; would you go over to Grand Jury Exhibit Number 15, please?

Do you have that?

A Yes.

Q In the upper left-hand corner, is that your writing insofar as the date is concerned?

A Yes; that's correct.

Q What date is that, sir?

A I believe that is April 11, 1970.

Q April 11, 1970?

A Yes.

Q I notice on this particular exhibit review form

1 there does not appear to be any specific exhibit numbers that
2 were requested or at least they weren't recorded.

3 Can you recall what exhibits you requested at
4 that time?

5 A Well, in all probability it was later in the day
6 and often you couldn't get ahold of those exhibits. They were
7 in other rooms and the hour was too late so they suggested
8 after I fill out the slip I return the next morning and
9 probably I didn't see those, due to the time.

10 Q Do you know what time you were there?

11 A Well, it shows 4:10; at least there's the entry
12 of 4:10 there.

13 Q You notice that the 4:10 is above the IN/TIME
14 which means the time the exhibits were returned.

15 There is no time as to the OUT/TIME which means
16 the time the exhibits were handed out.

17 Can you help us in any regard, considering those
18 notations on this document?

19 A All I can remember is that there were occasions
20 when it was too late in the day or for some reason they had
21 removed the exhibits and there were no exhibits available.

22 You see, you had to wait, I mean, it was an effort
23 for them to locate everything which were in cardboard boxes.

#20

24 You know, it wasn't in a good working order, not
25 in the best way, as Mr. Harper reported to me that he felt the
26 same thing.

27 Q What did he say in that regard?

28 A He thought, as I noted, he felt that those

1 exhibits are jumbled. We agreed that they were so jumbled
2 it was hard to find them.

3 He told me that the exhibits were kept in this
4 jumbled manner, and the last time I was there, I mean, I sat
5 down at the table and there were brown envelopes which were
6 torn, and, obviously, it had been abused, but that may have
7 been because they were duplicated.

8 Q Do your friends call you Teddy or Ted?

9 A My legal name is Theodore.

10 Ted is all right, but my friends call me Teddy.

11 Q All right, Mr. Charach, going over to Grand Jury
12 Exhibit Number 16.

13 That is dated April 20, 1970, and, once again,
14 at the bottom of the page there are no exhibit numbers.

15 Can you provide me with any assistance in telling
16 me what exhibits you came out to see, and whether they were
17 copies of exhibits you saw on this particular visit?

18 A You're talking about Number 16.

19 Q Yes; Grand Jury Number 16, please.

20 A Is there any time or anything on this?

21 Q I am unable to see any.

22 Do you have any independent recollection of this
23 particular visit?

24 A You know most of my work -- I didn't photograph
25 these duplications -- but it was with the witnesses' reports,
26 119 witnesses' reports, and that is really what I sat there and
27 looked at.

28 Anything else I was interested in I paid for that

1 and had duplicated.

2 Q If you'll bear with me one minute, Mr. Charach,
3 I just want to make sure about these things.

4 Would you go over to Grand Jury Exhibit Number
5 33, please?

6 A (The witness complies with counsel's request.)

7 Q Do you have that in front of you?

8 A Yes.

9 Q And the date in the upper left-hand corner is
10 August 11, 1969?

11 A That's correct.

12 Q Once again I note there are no exhibits listed
13 at the bottom of the sheet.

14 Can you tell us if you have an independent
15 recollection of your visit to the Clerk's Office on this
16 occasion?

17 A Well, again, I was continuing my research.

18 Either the Clerk did not mark it because it was
19 either too late in the day; that's all I can say.

20 Q Now, I would like to go back to Grand Jury Exhibit
21 Number 10.

22 Could you find that for a moment?

23 Mr. Charach, that's the one that had the two
24 pages stapled together.

25 Do you have that?

26 A Yes.

27 Q You note that's Exhibit Number 10?

28 A Yes.

1 Q And the date is July 14th; we have established
2 that?

3 A Yes.

4 Q If you turn over to the next page there appears
5 to be a stamped date of July 15, 1969.

6 You'll notice that stamped date appears twice.

7 Do you see what I'm referring to?

8 A Uh-huh. (Indicating in the affirmative.)

9 Q Was that a two-day visit to the Clerk's Office
10 on that occasion?

11 A Probably.

12 I might have come back on July 15th and continued
13 the same inquiry that I initiated on July 14th.

14 Q Could you tell me, if you know, what these numbers
15 refer to?

16 I think that could be helpful.

17 A Okay; let me see, if I can take one moment and
18 give you that information.

19 I may be wrong, but I think that's the day we
20 did our photography up there.

21 Q Looking at the front page, the July 14 page,
22 there are certain numbers there?

23 A Yes; there are.

24 Q You see the number 57-A on the top portion?

25 A Yes.

26 Q In the upper left-hand corner?

27 A Yes.

28 Q Now, 57-A is the head of Senator Kennedy. It is

1 a picture of the head of Senator Kennedy with a hand twisting
2 the ear.

3 Does that strike a bell?

4 A I could tell you I have never seen a photograph
5 of that.

6 The only photographs I have seen of Kennedy had
7 been in the autopsy photographs.

8 Q Exhibit 115, that number is also on the top
9 portion of Exhibit 10, and Exhibit 115 were the statements
10 of witnesses, the rebuttal witnesses who were not called.
11 Would that have been a matter of interest to you?

12 A Yes.

13 Q I have no record of 141-A.

14 99-A is the sheet, or apparently a letter dated
15 July 10, 1968, a letter by Mr. Schorr to Mr. Parsons.

16 Would that letter have been of interest to you?

17 A Probably of historical interest.

18 Q You see, what I'm trying to do is refresh your
19 recollection as to whether this was a one-day visit or a
20 two-day visit?

21 A All I can say is that I requested certain
22 exhibits, and I didn't see them.

23 Q All right; going over to the second page of the
24 same exhibit, in the upper right-hand corner there appears the
25 numbers 79, 80, 81, 82 and the notation right next to it,
26 "Not located".

27 Do you see what I have reference to?

28 A Yes, I do.

1 Do these numbers have any significance to you
2 whatsoever?

3 A Off the top of my head, no.

4 Q Was there a time or were there times when you
5 attempted to see certain items where you were told that item
6 could not be located?

7 A Yes; definitely.

8 I was interested based on a report with regard
9 to the Senator, with regard to the fragmentation, and I had
10 discussed that with Mr. Harper, and I believe that had
11 generated his interest to look at the case.

12 I asked for these exhibits and I believe at the
13 time they declined to show me any.

14 Q Were those original exhibits?

15 A Well, I don't know.

16 I thought I could ask to see them.

17 Q Do you have a very distinct recollection that
18 they were unable to locate these exhibits where the exhibit
19 review slip form says "Not located"?

20 A Pardon me?

21 Q Let me put my question to you again.

22 Can you recall any times, on one or more occasions,
23 when you were not furnished with certain things you were
24 interested in because they could not be located?

25 A Yes, that's right; that's true. I was told that
26 they had moved the boxes into another room.

27 Q Were you given such an explanation?

28 A Yes.

1 I stated that the District Attorney had promised
2 that any American could come up there and see these exhibits.

3 When I explained my position they became very
4 cooperative.

5 Q Let me ask you this:

6 This slip seems to show that you saw the exhibits
7 on July 14th and also on July 15th.

8 Were you ever permitted to take any copies of
9 the exhibits away overnight?

10 A Oh, no, sir.

11 Q I may have asked you this question, Mr. Charach,
12 and if so, I want to apologize but I would like the record to
13 be clear.

14 When you first approached Mr. Harper in
15 connection with this matter, was that put on the basis of
16 his doing his duty?

17 A Well, I might explain.

18 I visited Mr. Grant Cooper and I explained my
19 position to him.

20 If the time is correct, I think that was
21 following July 14, 1970, and I visited his home and I believe
22 the 14th is a Wednesday and I have a tape recording of that
23 entire meeting, so I'm sure at the time it was a few days
24 after July 14th, perhaps the Saturday after that, and I talked
25 to him and explained to him about the case.

26 Q One of the Grand Jurors would like to know how
27 many copies of the exhibits were made for you and if you paid
28 the fee of 50 cents per copy, and how many copies you

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1 ordered?

2 A Well, counsel, I couldn't tell you offhand.

3 Mostly I paid for copies for things other than
4 the witnesses statements.

5 Q Did you ever feel the need to get a court
6 order?

7 A No. I felt that once I had a man of Mr. Harper's
8 professional standing and competence involved in the case, I
9 didn't feel that I needed any court order.

10 Q I sense from your answer that Mr. Harper was
11 acting as your representative when he came to the Clark's
12 Office?

13 Was that your impression?

14 A Well, the impression I would like to give is
15 that Mr. Harper certainly gave me a great deal of cooperation.
16 He did his work and I did my work but his work was more
17 important because I don't have the background and the education
18 and the knowledge and I made an effort to engage the office
19 of Lou McKissack at that time and shortly after Mr. Shibley,
20 who knew Mr. Harper and facilitated the proper authoriza-
21 tion.

22 . Once he was there, it was not necessary for me
23 to be there.

24 Q Let me revise the question.

25 What efforts did you make to get Mr. Harper to
26 become involved in the case?

27 A Well, as I explained, I spoke to Mr. Grant Cooper
28 who then referred me to Mr. Harper.

1 Q Did you in some way feel instrumental in
2 involving Mr. Harper in this case?

3 A I'm instrumental in Mr. Harper eventually
4 going to see the exhibits, if that is what you mean.

5 Q You feel that you were instrumental in getting
6 Mr. Harper to see the exhibits?

7 A Yes; he went up there on the basis of that
8 report, he got ahold of those statements and then he reported
9 back to me.

10 Thereafter I made an effort with Mr. Lou
11 McKissack's office, in the interest of justice, of seeing
12 if we could facilitate and help Mr. Harper in his examination
13 of these exhibits.

14 He said in all his career he never ran into such
15 hostility and resistance as he found up there, but since he
16 was well known and well connected he wondered if he might
17 ask Mr. Shibley whether that might be proper and I said,
18 "Certainly, by all means," and he explained to Mr. Shibley
19 and Mr. Shibley wrote that letter.

20 Q In connection with the letter that Mr. Shibley
21 wrote asking that Mr. Harper see the exhibits, did you contact
22 Mr. Shibley?

23 A I did contact Mr. Lou McKissack's office but
24 Mr. Lou McKissack would not help us.

25 Q Why not?

26 A Very good question.

27 You see, Mr. McKissack jumped into that publicity
28 line-up very quickly and I feel he was very close with

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1 Mr. MacGowan and Mr. MacGowan was protecting his image and
2 he was suspicious of activity of a lot of people who were
3 investigating the case.

4 I did not get any cooperation from Mr. Lou
5 McKissack or Mr. Mike MacGowan and then Mr. Harper, he then
6 felt he had to go to Mr. Shibley to get the kind of
7 cooperation he was seeking.

8 He got cooperation from Mr. Godfrey Isaacs,
9 who is a dedicated man, and a real human being.

10 Mr. Isaacs cooperated with Mr. Harper and provided
11 the necessary legal avenues and until Mr. Harper was satisfied
12 in his mind that erroneous ballistics evidence had been
13 introduced, and he signed that affidavit and turned it over
14 to Mr. Isaacs and he went more times to verify his work to
15 make sure that what he said in the affidavit was absolutely
16 correct.

17 Q One question, Mr. Charach.

18 Have you ever paid a fee to Mr. Harper for any
19 kind of work?

20 A No; and this question has come up over and over
21 again.

22 There has been no fee. Mr. Harper worked without
23 compensation. He said it was the worst mess in his entire
24 professional career. He said that the way they kept those
25 exhibits, they were all jumbled up, and nobody could find
26 anything.

27 But Mr. Harper is a great man and he is a great
28 American and he went in to do this work because he believed in

1 his conscience it ought to be done.

2 Q Did Mr. Harper go into the Clerk's Office on
3 your account or on your instructions initially?

4 A Well, you see, I didn't want to get into it
5 myself though my own professional ego was involved.

6 Mr. Harper is a criminalist and I am not.
7 He has the professional courage and expertise to check these
8 matters and as Grant Cooper told me, if he thought that I was
9 sincere and I was a man of integrity and he found what I
10 expected he would find, he would back me all the way; but, if
11 I was wrong, and he found I was wrong, then he would simply
12 stop investigating and I would have stopped my investigation
13 if I had discovered that I was wrong.

14 Q Let me ask you this, Mr. Charach:

15 Did you ever represent to anyone that Mr. Harper's
16 visits to the Clerk's Office cost you \$790?

17 A No, I did not.

18 Q Did you ever collect a check from someone in the
19 amount of \$970 and give it to Mr. Harper?

20 A No, I did not.

21 Q Did you ever pay Mr. Harper \$790 for the work
22 they did in connection with this incident?

23 A No, I did not.

24 Q Did you lean heavily on Mr. Harper's findings in
25 this investigation?

26 A Well, I did, but I would say that I went to him
27 more for moral and spiritual support.

28 I had this idea and I started to make my

1 investigation and I talked to everybody that I could in
2 connection with Bob Kennedy's assassination and I put a lot
3 of work into it.

4 So did Mr. Harper, who is a very dedicated
5 citizen.

6 Q Mr. Harper sent you a report concerning his
7 findings?

8 A No, not an actual report.

9 Q Did Life Magazine report on the findings that
10 Mr. Harper did?

11 A Well, what happened there, one of the reporters
12 came out here and talked to us and Life Magazine went to
13 Mr. Harper and he explained what he had found and he thought
14 that there was some suppression of the evidence.

15 Q Do you know a Mr. Pomerance?

16 A Yes, that's the group that brought my attorney,
17 Godfrey Isaacs, into it.

18 MR. HECHT: All right; I have nothing further of this
19 witness.

20 THE FOREMAN: Any questions to be directed to this
21 witness by any member of the Grand Jury?

22 Apparently not.

23 I'd like to caution you not to discuss or impart
24 at any time, outside of this jury room, the questions that
25 were asked of you in regard to this matter, or your answers,
26 until authorized by this Grand Jury or the Court to discuss
27 or impart such matters.

28 You will understand that a violation of these

1 instructions on your part may be the basis for a charge
2 against you of contempt of court.

3 Do you understand that?

4 THE WITNESS: I do.

5 (Thereupon, the witness, Theodore R. Charach, was then
6 escorted from the Grand Jury Hearing Room by the Sergeant At
7 Arms.)

8 THE FOREMAN: We'll be in recess now and we'll resume
9 in this matter at 9:30 tomorrow morning.

10 (Whereupon, an adjournment was taken until Thursday,
11 August 19, 1971, at 9:30 A.M.)

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